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# ILLINOIS

## REGISTER RULES OF GOVERNMENTAL AGENCIES



Volume 24, Issue 32  
August 4, 2000

Pages 11,417 – 11,716

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# ILLINOIS REGISTER

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Issue 16 - April 14, 2000: Data Through March 31, 2000

Issue 29 - July 14, 2000: Data Through June 30, 2000

Issue 42 - October 13, 2000: Data Through September 30, 2000

Issue 3 - January 19, 2001: Data Through December 31, 2000 (Annual)



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Animal Disease Laboratories Act

2) Code Citation: 8 Ill. Adm. Code 110

3) Section Numbers: Proposed Action:  
110.90 Amended

4) Statutory Authority: Animal Disease Laboratories Act [510 ILCS 10]

5) A Complete Description of the Subjects and Issues Involved: The Galesburg Laboratory has added PCR testing for clostridium perfringens and for PRRS. Fees are being established for these new testing procedures.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written notice will begin on the day this notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Thursday, September 14, 2000 at 10:00 a.m., Department of Agriculture Building, 8th and Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Linda Rhodes  
Department of Agriculture  
State Fairgrounds, P.O. Box 19281  
Springfield, IL 62794-9281  
217/785-5713  
217/785-4505 (Fax)

In order for mailed comments to be available for consideration at the public hearing, please mail no later than September 6, 2000. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Veterinarians and livestock producers.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendment begins on the next page:



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS  
 CHAPTER I: DEPARTMENT OF AGRICULTURE  
 SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS  
 (EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

## PART 110

## ANIMAL DISEASE LABORATORIES ACT

Section	
110.10	Definitions
110.20	Submitting Specimens
110.30	Payment For Laboratory Services
110.40	Tests Not Covered By Fee Schedule
110.50	Minimum Fees
110.60	Euthanasia Fees
110.70	Clinical Pathology Fees
110.80	Histopathology Fees
110.90	Microbiology Fees
110.100	Parasitology Fees
110.110	Toxicology Fees
110.120	Miscellaneous Fees
110.130	Meats Chemistry Fees
110.140	Liquor Control Commission Fees

AUTHORITY: Implementing and authorized by the Animal Disease Laboratories Act [510 ILCS 10].

SOURCE: Adopted and codified at 8 Ill. Reg. 9047, effective July 1, 1984; amended at 9 Ill. Reg. 4471, effective March 22, 1985; amended at 9 Ill. Reg. 19638, effective January 1, 1986; amended at 10 Ill. Reg. 9733, effective May 21, 1986; amended at 11 Ill. Reg. 10163, effective May 15, 1987; amended at 12 Ill. Reg. 3379, effective January 25, 1988; amended at 13 Ill. Reg. 3617, effective April 15, 1989; amended at 14 Ill. Reg. 1907, effective January 19, 1990; amended at 14 Ill. Reg. 3416, effective March 1, 1990; amended at 14 Ill. Reg. 15304, effective September 10, 1990; amended at 16 Ill. Reg. 11416, effective July 1, 1992; amended at 18 Ill. Reg. 1825, effective February 1, 1994; amended at 18 Ill. Reg. 17433, effective December 1, 1994; amended at 20 Ill. Reg. 255, effective January 1, 1996; amended at 20 Ill. Reg. 16176, effective January 1, 1997; amended at 21 Ill. Reg. 17034, effective January 1, 1998; amended at 23 Ill. Reg. 386, effective January 1, 1999; amended at 23 Ill. Reg. 9754, effective August 9, 1999; amended at 24 Ill. Reg. 990, effective January 10, 2000; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 110.90 Microbiology Fees

The following are the fees for microbiology:  
 a) Bacteriology, Mycoplasma and Fungi

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

1)	Aerobic or anaerobic culture without sensitivity testing.....	10.00 C, G
2)	Aerobic culture with sensitivity testing.....	15.00 C, G
3)	Clostridium perfringens serotyping.....	5.00 G
4)	Milk samples for mastitis evaluation	
	1-4 specimens.....	15.00 C, G
	(additional specimens, each at).....	2.00 C, G
	Wisconsin mastitis test	
	1-10 specimens, each.....	2.00 C
	(additional specimens, each at).....	1.00 C
5)	Leptospirosis--6 serotypes	
	Microtiter test-per specimen.....	2.00 C, G
6)	Canine brucellosis--per specimen.....	5.00 C, G, S
7)	Fluorescent Antibody Test (FA).....	10.00 C, G
8)	Escherichia coli serotyping.....	3.00 C
9)	Campylobacter (culture).....	6.00 C, G
10)	Salmonella isolation using enrichment media.....	6.00 C, G
11)	Hemophilus (culture).....	3.00 C, G
12)	Nasal Swabs--Bordetella.....	2.00 C, G
13)	Listeria (culture).....	6.00 C, G
14)	Haemophilus equigenitalis (CEM).....	4.00 C, G
15)	Spirochetes (swine dysentery--Treponema sp.).....	3.00 C, G
16)	John's Bacillus (first specimen).....	7.00 C, G
	(each additional specimen).....	4.00 C, G
17)	Prepare and Supply Transport Media (per tube).....	1.00 C, G
18)	Return culture for bacterin production	
	per organism.....	2.00 C, G
19)	Microscopy Testing Culture.....	6.00 C, G
20)	Microscopic examination.....	3.00 C
21)	Mycoplasma Testing Culture.....	10.00 C, G
22)	E. Coli or Metritis (1-4 specimens).....	15.00 C, G
	(each additional specimen).....	2.00 C, G
23)	Trichomonas transport media.....	4.00 C, G
24)	PCR testing clostridium perfringens.....	15.00 G
b)	Virology	
1)	Electron Microscopy--fecal.....	15.00 G
2)	Pseudorabies Serology (positive or negative).....	no charge C, G
	Pseudorabies Serology Out-of-State.....	3.00 C, G
	Pseudorabies Serology (positive or negative) and end titer.....	3.00 C, G
	Pseudorabies Serology (request for screen at dilution of 1:2).....	3.00 C, G
3)	Pseudorabies Latex Agglutination.....	3.00 C, G
4)	Fluorescent Antibody Test (each disease).....	10.00 C, G
5)	Rabies.....	5.00 C, G
	Virus Isolation in Cell Culture (1 specimen).....	15.00 C, G
	Each additional specimen.....	10.00 C, G



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

- 6) Viral Serology (each disease)  
(1-5 specimens, each)..... 3.00 C, G  
(Each additional specimen)..... 1.00 C, G
- 7) Feline Leukemia Virus..... 10.00 C
- 8) Feline Infectious Peritonitis (F.I.P.)..... 5.00 C
- 9) Canine parvo-virus (ELISA) fecal..... 5.00 C, G
- 10) Canine parvo-virus serum..... 5.00 C
- 11) Canine distemper on serum..... 5.00 C
- 12) Rota-virus on fecal..... 10.00 C
- 13) Semen testing (export)..... 10.00 C
- 14) Swine enterovirus (8 serotypes)..... 12.00 C
- 15) FeLV-FeLT..... 15.00 C
- 16) Porcine fetal fluid IgG..... 3.00 G
- 17) Feline lentivirus (FeLT)..... 10.00 C
- 18) Encephalomyocarditis  
(1-5 specimens, each)..... 3.00 C, G  
(Each additional specimen)..... 1.00 C, G
- 19) PRRS (screening 1:20)..... 2.00 G  
PRRS end titer..... 4.00 C, G  
PCR..... 10.00 G
- c) Chlamydia Isolation in Cell Culture..... 15.00 C, G
- d) Miscellaneous serology
- 1) Toxoplasmosis (first sample)..... 5.00 C  
(Each additional sample)..... 2.50 C
- 2) EIA-AGID..... 2.50 S  
EIA-CELISA..... 10.00 S
- 3) Mare Immunological Pregnancy Test  
(35-60 days post-service)..... 15.00 C
- 4) Aleutian Disease-Mink (immunoelectrophoresis)..... .20 S
- 5) Out-of-State brucellosis serology..... .50 C, G, S
- 6) Brucellosis testing other than bovine,  
porcine and canine..... .50 C, G, S
- 7) Bluetongue (1-5 specimens, each)..... 3.00 C  
(Each additional specimen)..... 2.00 C
- 8) Bovine leukosis (BLV-AGID) (1-5 specimens, each)..... 3.00 C, S  
(Each additional specimen)..... 1.00 C, S
- 9) Vesicular stomatitis  
(1-5 samples each)..... 3.00 C  
(Each additional sample)..... 2.00 C
- 10) Complement Fixation Serology  
(1-5 specimens, each)..... 3.00 C  
(Each additional specimen)..... 1.00 C
- Note: The Complement Fixation Serology tests include testing for anaplasmosis, and chlamydia.
- 11) John's ELISA 1-10 specimens, each..... 10.00 C  
11 or more specimens, each..... 5.00 C
- 12) Actinobacillus pleuropneumoniae per serotype..... 1.00 G
- 13) Mycoplasma hyopneumoniae..... 3.00 G

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

- 14) Caprine Arthritis Encephalitis (CAE).....  
first specimen..... 3.00 C, G  
each additional specimen..... 1.00 C, G
- 15) Bovine leukemia virus ELISA (1-5 specimens, each)..... 5.00 C  
each additional specimen..... 3.00 C
- (Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Diseased Animals
- 2) Code Citation: 8 Ill. Adm. Code 85
- 3) Section Number: Proposed Action:  
85.80 Amended  
85.135 Amended  
85.140 New Section
- 4) Statutory Authority: Illinois Diseased Animals Act [510 ILCS 50]
- 5) A Complete Description of the Subjects and Issues Involved: Goats entering Illinois will be required to be accompanied by a health certificate. Goats exhibiting lesions of contagious ecthyma or club lamb fungus will not be permitted to be exhibited in Illinois.  
  
Veterinarians will be able to use the cow-side test for John's disease if they obtain approval from the Department. Approval will be granted when the veterinarian received training on the test from the Department.  
  
A Voluntary Paratuberculosis (John's disease) Risk Management Program will be offered to herd owners that have herds under restriction due to a positive culture test for John's disease. The program is designed to help the herd owner manage the risk of the disease in his or her herd.
- 6) Will this proposed amendment replace an emergency rule in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Thursday, September 14, 2000 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Linda Rhodes  
Department of Agriculture  
State Fairgrounds, P.O. Box 19281

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENTS

Springfield, IL 62794-9281  
Telephone: 217/785-5713  
Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than September 6, 2000. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Goat, cattle and bison producers.
- B) Reporting, bookkeeping or other procedures required for compliance: Veterinarians using the cow-side test will be required to report results to the Department within 10 days. Herds enrolling in the Voluntary Paratuberculosis Risk Management Program will be required to sign an annual herd plan agreement.
- C) Types of professional skills necessary for compliance: Veterinarians wishing to use the cow-side test for John's disease will be required to obtain training from the Department.

13) Regulatory agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed amendments begins on the next page:



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS  
 CHAPTER 1: DEPARTMENT OF AGRICULTURE  
 SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS  
 (EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 85  
 DISEASED ANIMALS

Section	
85.5	Definitions
85.7	Incorporation by Reference
85.10	Reportable Diseases
85.12	Contagious or Infectious Diseases
85.15	Truck Cleaning and Disinfection
85.20	Disposal of Sick, Diseased, or Crippled Animals at Stockyards, Auction Markets, or Marketing Centers
85.25	Sale of Livestock Quarantined Because of Disease
85.30	Identification Ear Tags for Livestock
85.35	Identification Tags Not to be Removed
85.40	Livestock for Immediate Slaughter Not to be Diverted En Route
85.45	Anthrax
85.50	Goats
85.55	Scrapie in Sheep and Goats
85.60	Bluetongue
85.65	Sheep Foot Rot (Repealed)
85.70	Cattle Scabies
85.75	Cattle Scabies--Additional Requirements on Cattle From Certain Designated Areas
85.80	Sheep and Goats
85.85	Diseased Animals
85.90	Copy of Health Certificate Shall Be Furnished
85.95	Requests for Permits
85.100	Consignments to Stockyards, Auction Markets, Recognized Slaughtering Centers, or Marketing Centers
85.105	Obligation of Transportation Company and Truck Operators
85.110	Additional Requirements on Cattle From Designated States
85.115	Salmonella enteritidis serotype enteritidis
85.120	Cervidae
85.125	Ratites
85.130	Vesicular Stomatitis
85.135	Requirements for Establishing and Maintaining a Herd or Flock Under the Voluntary Paratuberculosis (Johne's disease) Certification Program
85.140	Requirements for Establishing and Maintaining a Herd Under the Voluntary Paratuberculosis (Johne's Disease) Risk Management Program

AUTHORITY: Implementing and authorized by the Illinois Diseased Animals Act [510 ILCS 50]; Section 6 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6]; Livestock Auction Market Law [225 ILCS 640]; and Equine

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENTS

## Infectious Anemia Control Act [510 ILCS 65].

SOURCE: Regulations Relating to Diseased Animals, filed January 17, 1972, effective January 27, 1972; filed August 19, 1975, effective August 29, 1975; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 12, effective June 15, 1978; amended at 3 Ill. Reg. 33, p. 337, effective August 17, 1979; amended at 5 Ill. Reg. 724, effective January 2, 1981; codified at 5 Ill. Reg. 10456; amended at 7 Ill. Reg. 1746, effective January 28, 1983; amended at 8 Ill. Reg. 5925, effective April 23, 1984; amended at 9 Ill. Reg. 4489, effective March 22, 1985; amended at 9 Ill. Reg. 18411, effective November 19, 1985; amended at 10 Ill. Reg. 20464, effective January 1, 1987; amended at 12 Ill. Reg. 8283, effective May 2, 1988; amended at 13 Ill. Reg. 3642, effective March 13, 1989; amended at 14 Ill. Reg. 1919, effective January 19, 1990; amended at 14 Ill. Reg. 15313, effective September 10, 1990; amended at 16 Ill. Reg. 11756, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 14052, effective August 16, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 1850, effective January 24, 1994; emergency amendment at 19 Ill. Reg. 10734, effective July 10, 1995, for a maximum of 150 days; emergency expired December 17, 1995; amended at 20 Ill. Reg. 276, effective January 1, 1996; emergency amendment at 20 Ill. Reg. 6581, effective April 30, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13039, effective September 25, 1996; amended at 21 Ill. Reg. 17049, effective January 1, 1998; amended at 23 Ill. Reg. 411, effective January 1, 1999; amended at 23 Ill. Reg. 7862, effective July 1, 1999; amended at 24 Ill. Reg. 997, effective January 10, 2000; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 85.80 Sheep and Goats

- All sheep and goats entering Illinois for breeding, exhibition or feeding purposes, except for sheep or goats consigned directly to a livestock auction market, shall be accompanied by an official health certificate. The health certificate shall indicate the sheep or goats were examined within 60 days prior to entry and found free of any infectious or communicable disease and that they have not recently been exposed thereto.
- Any sheep or goats which show lesions of contagious ecthyma (sore mouth) or club lamb fungus disease (sheep ringworm) shall not be exhibited in the State and must be removed immediately from the exhibition area.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 85.135 Requirements for Establishing and Maintaining a Herd or Flock Under the Voluntary Paratuberculosis (Johne's disease) Certification Program

- The following definitions shall be applicable to this Section:



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENTS

1) "Accredited laboratory" means a laboratory operated by the Illinois Department of Agriculture, the University of Illinois College of Veterinary Medicine, or a laboratory approved by the Director (on the basis of its using USDA approved methods).

2) "Animal" means cattle, bison, buffalo, sheep, goats, llamas, or members of the cervid family.

3) "Cow-side", "pen-side" or "on-site" test means any test approved by the United States Department of Agriculture for *M. avium* paratuberculosis that can be performed in the field by an accredited veterinarian. Veterinarians must receive approval from the Department to use this test, and all results must be reported to the Department within 10 days. The test cannot be performed in a herd participating in the voluntary Johnes' Disease Certification Program.

4) "Herd or flock" means all animals under common ownership or supervision that are grouped on one or more parts of any single premises (lot, farm, ranch), or all animals on two or more premises geographically separated, but on which animals have been interchanged or where there has been contact between the premises. Contact of animals between separated premises under common management shall be assumed to have occurred unless otherwise established by the herd or flock owner or manager. Each separate species of animal shall be considered as a separate herd or flock.

54) "Positive animal" means an animal infected with *Mycobacterium avium* paratuberculosis, only if *M. avium* paratuberculosis is demonstrated by an organism detection test on tissues or feces of the animal.

65) "M. avium paratuberculosis-Detection Test" or "organism detection test" means any test sufficiently sensitive and specific for detection of *M. avium* paratuberculosis in fecal samples. Definitions of "sufficiently sensitive and specific" will be on the basis of results of performance of a check test and proficiency standards set by the National Paratuberculosis Certification Program. Any test approved by the U.S. Department of Agriculture for *M. avium* paratuberculosis organism detection (i.e., fecal culture test for *M. avium* paratuberculosis) is acceptable as long as it is performed at an accredited laboratory.

76) "Serum antibody test" means any test sufficiently sensitive and specific for detection of antibodies to *M. avium* paratuberculosis in bovine serum. Definition of "sufficiently sensitive and specific" will be on the basis of results of performance of a check test and proficiency standards set by the National Paratuberculosis Certification Program (October 1998), as recommended and approved by the U.S. Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228). Any test approved by the U.S. Department of Agriculture

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENTS

for serum antibody detection (i.e., ELISA for *M. avium* paratuberculosis) is acceptable as long as it is performed at an accredited laboratory.

b) Criteria for herds qualified to enter into the certification program:

- 1) Participation in this program is voluntary and the producer/owner is responsible for the cost of testing.

- 2) The herd has been in existence for at least one year or the herd was assembled with animals originating directly from paratuberculosis-certified herds only.

- 3) A herd assembled with animals originating directly from certified herds only shall start at the lowest certification level of the herds from which the assembled animals were acquired. A negative first-herd test will qualify the newly-assembled herd for the first certification level.

- 4) All animals must have an approved, permanent, unique, legible identification other than a plastic ear tag or neck chain. Acceptable means of an approved, permanent, unique, legible identification include registration or association numbers accompanied by identification document, ear tattoos, USDA uniform series ear tag (metal tags), freeze branding and electronic identification (microchips) as long as a reader is supplied by the owner or is readily available.

c) Voluntary Johnes' disease herd status for cattle shall be established and maintained in accordance with the Voluntary Johnes' Disease Herd Status Program (October 1998) that was developed by the National Johnes' Working Group and the Johnes' Committee of the U.S. Animal Health Association and approved and adopted by the U.S. Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228). Herd owners using either the Fast Track or the Standard Track certification program must sign a herd agreement prior to acceptance into the program.

d) Criteria for certifying bison, buffalo, sheep, goats, llamas or members of the cervid family herds or flocks under the Illinois Voluntary Johnes' Disease Herd or Flock Certification Program.

- 1) The following certification levels will be awarded compliance with certification requirements:

- Level 1 - herd or flock tested negative after one sampling.
- Level 2 - herd or flock tested negative after two samplings.
- Level 3 - herd or flock tested negative after three samplings.

- Level 4 - herd or flock tested negative after four samplings.

- Level 5 - herd or flock tested negative after five samplings.

- Level 5 Monitored - herd or flock tested negative after six or more samplings.

- 2) Certification requirements:

- A) For annual certification, all animals 24 months of age and

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENTS

older must be tested.  
B) Certified herds or flocks must be tested every 12 months (+/- 2 months).

C) All tests must be performed at an accredited laboratory.

D) An organism detection test for *M. avium* paratuberculosis (i.e., fecal culture) must be conducted.

E) Fecal collection must be done either by, or under the direct supervision of, an accredited veterinarian who must verify that the samples were collected from the animals identified on the test documents.

F) The owner must certify on an agreement form prescribed by the Department:

i) At the initial test date, the herd has been in existence for at least one year or was assembled only from herds or flocks enrolled in a *M. avium* paratuberculosis program and are at the same or higher level than the herd or flock. Animals purchased from herds or flocks participating in *M. avium* paratuberculosis programs outside of Illinois must have that state's program approved by the Director prior to certification.

ii) At each test date, all animals in the herd or flock 24 months of age or older were sampled and included in the herd or flock test.

iii) At each test date, a list identifying all animals previously tested but no longer in the herd or flock must be provided to the Department.

iv) At each test date, all animals added to the herd or flock since the last herd or flock test were natural additions to (born into) the herd or flock, purchased from participating herds or flocks, or were tested at the time of arrival on the premises (see Section 85.135(d)(6)).

v) At each test date, with a written statement sent to the Department certifying to the best of his/her knowledge no animal that left the herd or flock tested positive for paratuberculosis or was exhibiting clinical signs of *Johnes's* disease.

3) Upon completion of the required testing and review by the Director, the Department shall issue a certificate verifying the herd's or flock's status.

4) Handling of animals exhibiting clinical signs:

A) All animals exhibiting clinical signs of *M. avium* paratuberculosis must be tested and isolated from the herd or flock pending the test results. An organism detection test (i.e., fecal culture) must be used on feces from animals exhibiting clinical signs.

B) A negative result on the *M. avium* paratuberculosis detection

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test will allow the herd or flock to move to the next certification level.

5) Suspension or revocation of herd or flock certification:

A) Identification of a positive animal using the organism detection test during the certification herd or flock test will result in the loss of certification status. The next negative test will qualify the herd or flock for Level 1 certification.

If a positive animal is detected on any other test for *Johnes's* disease during the current certification period other than by an organism detection test, the herd's or flock's certification will be suspended pending a confirmatory organism detection test of that animal.

B) Herds or flocks not tested within 14 months after the last sampling will lose their certification status. The next negative herd or flock test will qualify the herd or flock for Level 1 certification.

6) Herd or Flock Additions. Animals purchased from another herd or flock participating in a *M. avium* paratuberculosis certification program may enter the herd or flock without further testing, and will be tested along with the herd or flock at the next annual test. Animals originating from herds or flocks that are not participating in an *M. avium* paratuberculosis certification program must be isolated from the other members of the herd or flock until a negative organism detection test has been received. Isolation means that the animal can have no opportunity to share feed or water receptacles with other members of the herd or flock, and there can be no chance of fecal contamination from the animal.

7) Protocol if an animal sold from a certified herd or flock is identified as positive:

A) If an animal sold from a certified negative herd or flock is identified as positive by an organism detection test within 16 months after the date of sale, the selling certified herd or flock may, within 120 days of being notified, be required to conduct a herd or flock retest of all eligible animals. Determination of retesting of the herd or flock will be made by the Director based upon, but not limited to, the level of certification of the herd or flock, the last negative organism detection test of the herd or flock and the status of the other animals in the purchasing herd or flock, if known.

B) The selling certified herd or flock will maintain its present certification status pending the results of the herd or flock test or at the determination of the Director based on epidemiological evidence provided by a state or federal veterinarian.

C) If the herd or flock retest is negative, the herd will



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maintain its "present" certification status. The herd or flock owner/manager shall then have the option of maintaining his/her present test schedule or rescheduling his/her herd test date so that his/her next herd or flock test is not due until 12 months after the retest.

- D) If a positive animal is identified on this retest, the selling herd or flock will lose its certification status. The next negative herd or flock test will qualify the herd or flock for Level 1 certification.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 85.140 Requirements for Establishing and Maintaining a Herd Under the Voluntary Paratuberculosis (Johne's Disease) Risk Management Program**

- a) The following definitions shall be applicable to this Section:

"Accredited laboratory" means a laboratory operated by the Illinois Department of Agriculture or the University of Illinois College of Veterinary Medicine, or a laboratory approved by the Director (on the basis that it is using USDA approved methods).

"Animal" means cattle, bison or buffalo.

"Herd" shall mean all animals under common ownership or supervision that are grouped on one or more parts of any single premises (lot, farm, ranch), or all animals on two or more premises geographically separated, but on which animals have been interchanged or where there has been contact between the premises. Contact of animals between separated premises under common management shall be assumed to have occurred unless otherwise established by the herd owner or manager. Each separate species of animal shall be considered as a separate herd.

"M. avium paratuberculosis-detection test" or "organism detection test" means any test sufficiently sensitive and specific for detection of M. avium paratuberculosis in fecal samples. Definition of "sufficiently sensitive and specific" will be on the basis of results of performance of a check test and proficiency standards set by the National Paratuberculosis Certification Program. Any test approved by the United States Department of Agriculture for M. avium paratuberculosis organism detection (i.e., fecal culture test for M. avium paratuberculosis) is acceptable as long as it is performed at an accredited laboratory.

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"Serum antibody test" means any test sufficiently sensitive and specific for detection of antibodies to M. avium paratuberculosis in bovine serum. Definition of "sufficiently sensitive and specific" will be on the basis of results of performance of a check test and proficiency standards set by the National Paratuberculosis Certification Program (October 1998), as recommended and approved by the U.S. Animal Health Association (P. O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228). Any test approved by the United States Department of Agriculture for serum antibody detection (i.e., ELISA for M. avium paratuberculosis) is acceptable as long as it is performed at an accredited laboratory.

- b) Criteria for herds qualified to enter into the risk management program:

- 1) Participation in this program is voluntary and the producer/owner is responsible for the cost of testing.
  - 2) The herd has been in existence for at least one year or the herd was assembled with animals originating directly from paratuberculosis-certified or risk managed herds only.
  - 3) A herd assembled with animals originating directly from risk managed herds only shall start at the lowest certification level of the herds from which the assembled animals were acquired.
  - 4) All animals must have an approved, permanent, unique, legible identification other than a plastic ear tag or neck chain. Acceptable means of an approved, permanent, unique, legible identification, including registration or association numbers accompanied by identification document, ear tattoos, USDA uniform series ear tag (metal tags), freeze branding and electronic identification (microchips) as long as a reader is supplied by the owner or is readily available.
- c) Criteria for enrolling cattle, buffalo or bison herds under the Illinois Voluntary Johne's Disease Risk Management Program:
- 1) The following certification levels will be awarded compliance with certification requirements:
    - A) Level A 30 head or the whole herd has been tested with no positives disclosed.
    - B) Level B the whole herd has been tested with less than 5% (4.99%) of the animals testing positive.
    - C) Level C the whole herd has been tested with 5% to 14.99% of the animals testing positive.
    - D) Level D the whole herd has been tested with 15% or greater of the animals testing positive, or 30 head were tested with one or more positive animals disclosed.
    - E) Potential Maximum Risk herds have had no animals tested or do not disclose any test results.
    - F) A level achievement year representing when the herd reached the status level will be added to the status designation

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(e.g., Level A since 1999).

- 2) Certification requirements:
- A) Testing shall be done annually within 10-14 months after the initial status testing anniversary date and a herd shall remain at that level for a year, regardless of the amount of testing completed during that time.
- B) Either a fecal culture or ELISA test may be used for certification.
- C) Whole herd tests are conducted on all second and higher lactation animals and bulls two years of age and older.
- D) Tests on 30 animals must be a random sampling of second and higher lactation animals and bulls two years of age and older. The same animals should not be tested in consecutive testing years.
- E) All tests must be performed at an accredited laboratory.
- F) Fecal and blood collection must be done either by, or under the direct supervision of, an accredited veterinarian, who must verify that the samples were collected from the animals identified on the test documents.
- 3) Upon completion of the required testing and review by the Director, the Department shall issue a certificate verifying the herd's status.
- 4) Herds not tested within 14 months after the last sampling will lose their certification status.
- d) Additions to the herd. Animals purchased from another herd participating in an M. avium paratuberculosis certification program may enter the herd without further testing, and will be tested along with the herd at the next annual test. Animals originating from herds that are participating in John's disease risk management program and are of the same level as the purchasing herd can be added to the herd without further testing and be tested on the next annual test. If the purchased additions originate from herds that are of a lower risk management level or are from a herd that has not been tested, the purchasing herd will assume the level of the purchased additions or will lose its herd status.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Illinois Bovidae and Cervidae Tuberculosis Eradication Act
- 2) Code Citation: 8 Ill. Adm. Code 80
- 3) Section Number: Proposed Action:  
     80.5 Amended  
     80.110 Amended  
     80.140 Amended  
     80.150 New Section  
     80.160 New Section  
     80.170 New Section
- 4) Statutory Authority: Illinois Bovidae and Cervidae Tuberculosis Eradication Act [510 ILCS 35]
- 5) A Complete Description of the Subjects and Issues Involved: Illinois' livestock industry is threatened by a severe outbreak of bovine tuberculosis in Michigan. The disease is continuing to spread throughout the state, and the Illinois Department of Agriculture is taking measures to prevent the spread of the disease into Illinois. Illinois began its TB eradication in 1917 and was declared free of this disease in 1986. To reintroduce this disease back into Illinois would be devastating to the livestock industry and would put public health at risk. This form of tuberculosis can be transmitted to cattle, bison, cervidae, goats, humans and companion animals.
- The United States Department of Agriculture published a new Uniform Methods and Rules for Bovine Tuberculosis Eradication, effective January 22, 1999. The Uniform Methods and Rules for Tuberculosis Eradication in Cervidae was combined with the UM & R for Bovine Tuberculosis Eradication.
- Testing requirements for cattle, bison, goats and cervids are either being added or strengthened for animals entering Illinois from non-accredited tuberculosis-free areas. Similar measures are being adopted by other states to prevent the spread of the disease.
- 6) Will this proposed amendment replace an emergency amendment in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any proposed amendments to this Part pending? No
- 10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local governments.



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11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Thursday, September 14, 2000 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Linda Rhodes  
Department of Agriculture  
State Fairgrounds, P.O. Box 19281  
Springfield IL 62794-9281  
217/785-5713  
Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than September 6, 2000. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

## 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Cattle, goat and cervid producers.

B) Reporting, bookkeeping or other procedures required for compliance: Additional testing of animals originating in non-accredited free states will be required for the animals to meet entry requirements.

C) Types of professional skills necessary for compliance: No additional professional skills are needed.

## 13) Regulatory agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

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TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS  
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

## PART 80

## ILLINOIS BOVIDAE AND CERVIDAE TUBERCULOSIS ERADICATION ACT

Section	Definitions/Incorporations by Reference
80.5	Requirements for Illinois Tuberculosis-Free Accredited Cattle and Bison Herds
80.10	When Indemnity Will Be Paid on Tests
80.20	Herds Quarantined Because of Suspected Tuberculosis Infection
80.30	Identification Tags Not To Be Removed
80.40	Infected Herd Depopulation (Repealed)
80.50	Cattle for Immediate Slaughter (Repealed)
80.60	Feeding or Grazing Cattle from Non-Accredited Tuberculosis Free States
80.70	Female Cattle--Beef Breeds--18 Months and Over from Non-Accredited Tuberculosis Free Areas
80.80	Sale of Quarantined Feeding or Grazing Cattle (Repealed)
80.90	Release of Feeding or Grazing Cattle from Quarantine (Repealed)
80.100	Breeding Cattle <del>Bairy-or-Beef-Cattle</del> -Bison-or-Steers
80.110	Tuberculin Tests
80.120	Establishing and Maintaining Accredited Tuberculosis-Free Goat Herds
80.130	Cervidae
80.140	Goats
80.150	Testing Requirements for Cattle from Non-Accredited Free Areas
80.160	Bison
80.170	

AUTHORITY: Implementing and authorized by the Illinois Bovidae and Cervidae Tuberculosis Eradication Act [510 ILCS 35].

SOURCE: Regulations Relating to Bovine Tuberculosis, filed January 17, 1972, effective January 27, 1972; filed June 21, 1976, effective July 1, 1976; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 1, effective June 15, 1978; codified at 5 Ill. Reg. 10455; amended at 7 Ill. Reg. 1742, effective January 28, 1983; amended at 8 Ill. Reg. 17809, effective October 1, 1984; amended at 9 Ill. Reg. 4503, effective March 22, 1985; amended at 9 Ill. Reg. 18432, effective November 19, 1985; emergency amendment at 11 Ill. Reg. 5326, effective March 13, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10183, effective May 15, 1987; amended at 12 Ill. Reg. 8295, effective May 2, 1988; amended at 13 Ill. Reg. 3676, effective March 13, 1989; amended at 14 Ill. Reg. 1931, effective January 19, 1990; amended at 21 Ill. Reg. 17070, effective January 1, 1998; amended at 23 Ill. Reg. 428, effective January 1, 1999; amended at 23 Ill. Reg. 9775, effective August 9, 1999; amended at 24 Ill. Reg. 1003, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 8613, effective June 15, 2000, for a maximum of 150 days;

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amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 80.5 Definitions/Incorporations by Reference

"Accredited Tuberculosis Free State" means any state recognized as an Accredited Tuberculosis Free State as defined under the Bovine Tuberculosis Eradication Uniform Methods and Rules.

"Bovine Tuberculosis Eradication Uniform Methods and Rules" (January 22, 1999 June--1997) refers to the document approved by the United States Animal Health Association (P.O. Box 28176, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176) and the United States Department of Agriculture. This incorporation by reference does not include any future editions or amendments beyond the date specified.

"Uniform--Methods--and--Rules--for--Tuberculosis--Eradication--in--Cervidae" effective July 15, 1994 and including 1996 amendments and Federal Register, Vol. 69, No. 357, February 23, 1998, pages 8837-8840, refers to the document as approved by the United States Animal Health Association (P.O. Box 2827, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228) and/or the United States Department of Agriculture. This incorporation by reference does not include any future editions or amendments beyond the date specified.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 80.110 Breeding Cattle Dairy or Beef Cattle, Bison or Steers

All breeding cattle dairy or beef cattle or steers entering or being exhibited in the State of Illinois from Accredited Tuberculosis Free States shall be accompanied by an official certificate of health issued by an accredited veterinarian. No tuberculin test is required for breeding cattle originating from Accredited Tuberculosis Free States. Breeding cattle entering or being exhibited in Illinois from a state that is not Tuberculosis Accredited Free shall be accompanied by an official certificate of health issued by an accredited veterinarian showing:

a) Cattle are individually originated from an accredited tuberculosis free herd; Accredited herd number and date of last test shall be recorded on the certificate and the cattle shall be identified by ear tag number, tattoo number or registration name and number;

b) Cattle originated from a herd where a complete negative herd test was conducted within the past year and the individual animals entering Illinois originating out of state were negative to two a tuberculin tests test conducted within 180 and 30 60 days prior to entry or exhibition; or

c) If Illinois is not an Accredited Tuberculosis Free State, breeding

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cattle originating in Illinois were negative to a tuberculin test conducted within 90 days prior to entry or exhibition.  
Accredited--Tuberculosis--Free--State--status--is--not--recognized--for--bison--but--individual--herd--status--for--bison--is--recognized--

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 80.140 Cervidae

a) All cervidae entering Illinois shall comply with the following:

1) For animals originating from:

A) Accredited Bovine Tuberculosis-Free Areas, be Be negative to two single cervical tests using 0.1 PPD Bovis tuberculin in the midcervical region with reading by observation and palpation at 72 hours, plus or minus 6 hours, no less than 90 days apart, with the second test conducted within 90 days prior to the movement, for all animals 12 months of age and over that were isolated from all other members of the herd during the testing period, unless they originate from an accredited, qualified or monitored herd;

i)A) Cervidae from an accredited herd may be moved into Illinois without further tuberculosis testing provided that they are accompanied by a certificate stating that such cervidae originated from an accredited herd.

ii)B) Cervidae originating from qualified or monitored herds may enter Illinois with a negative test within 90 days prior to importation and a certificate stating that the animals originate from a monitored herd.

B) Non-Accredited Bovine Tuberculosis-Free Areas, originate from a herd where a complete herd test has been conducted within the past year and all animals found negative to a single cervical test using 0.1 PPD Bovis tuberculin in the midcervical region with reading by observation and palpation at 72 hours, plus or minus 6 hours, and the individual animals entering Illinois were negative to two single cervical tests conducted within 180 and 30 days prior to entry.

e) Institutions that have been accredited by the American Zoo and Aquarium Association (AZAA) are exempt from these requirements when movement is between accredited member facilities. All other movement from AZAA-accredited members must comply with these movement requirements.

2) Be accompanied by a Certificate of Veterinary Inspection issued by an accredited veterinarian within 30 days prior to importation.

3) Be individually identified by an approved eartag, microchip or tattoo.



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4) Be accompanied by a permit obtained from the Department as follows:

A) Applicant for permit shall furnish the following information to the Department:

- i) Name and post office mailing address of Illinois destination;
- ii) Name and post office mailing address of consignor;
- iii) Number of cervidae in shipment.

B) Grounds for refusal to issue permit are:

- i) Violation of the Act or any rule of this Part;
- ii) presence of a disease which might endanger the Illinois livestock industry;
- iii) Refusal to provide required information for the permit.

C) Permits will be issued by telephoning or writing the Department.

b) Accredited, qualified and monitored tuberculosis-free cervidae herds shall be established and maintained in accordance with the Uniform Methods and Rules for Bovine Tuberculosis Eradication in--Cervidae.

c) Cervidae entering Illinois must also be in compliance with the Illinois Wildlife Code [520 ILCS 5].

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 80.150 Goats**

Goats entering Illinois for any reason, including exhibition, from states that are not Accredited Bovine Tuberculosis Free must be accompanied by a health certificate indicating that the animals originated from a herd where a complete negative herd test has been conducted within the past 12 months, and the individual animals entering Illinois are negative to a tuberculin test conducted within 30 days prior to entry.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 80.160 Testing Requirements for Cattle from Non-Accredited Free Areas**

Cattle originating from Non-Accredited Free areas must meet the following testing requirements prior to entry into Illinois:

- a) Cattle entering Illinois for breeding purposes must originate from a herd where a complete negative herd test has been conducted within the past 12 months, and the individual animals must have had two negative tests within 180 and 30 days prior to entry.
- b) Cattle entering Illinois for feeding or grazing purposes must originate from a herd where a complete negative herd test has been conducted within the past 12 months, and the individual animals must

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have had an individual test within 30 days prior to entry.

- c) Cattle entering Illinois for exhibition must originate from a herd where a complete negative herd test has been conducted within the past year, and the individual animals must have had two negative tests within 180 and 30 days prior to entry.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 80.170 Bison**

Accredited free state status is not recognized for bison entering Illinois. Bison entering Illinois for any reason, including exhibition, must:

- a) Originate from an accredited tuberculosis-free herd, and the individual animal entering Illinois must have had an individual test within 30 days prior to entry; or
- b) Originate from a herd where a complete negative herd test has been conducted within the past 12 months, and the individual animal must have had two negative tests within 180 and 30 days prior to entry.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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1) Heading of the Part: Illinois Pseudorabies Control Act

2) Code Citation: 8 Ill. Adm. Code 115

3) Section Numbers: Proposed Action:

115.80 Amended

115.100 Amended

115.110 Amended

4) Statutory Authority: Illinois Pseudorabies Control Act [510 ILCS 90]

5) A Complete Description of the Subjects and Issues Involved: Illinois' swine industry is threatened by the reintroduction of the disease pseudorabies. Illinois had been free of the disease since May 1999 and received Stage IV designation under the program Standards for Pseudorabies Eradication on October 1, 1999. In February 2000, four Illinois herds broke with pseudorabies. One herd in Ogle County was infected as a result of importing infected breeding swine from Iowa. Two additional herds in Henry and Whiteside Counties are suspected as becoming infected through indirect contact with Iowa swine.

Iowa has over 600 herds infected with pseudorabies. The Department is taking these emergency measures to protect the Illinois swine industry by strengthening the import testing requirements for swine from Stage I/II states (Iowa is the only state in the country with this category).

Restrictions are also being placed on Illinois exhibition animals exhibiting out of state. Although the threat of exposure at exhibition is minimal, the risk of infection does exist.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Thursday, September 14, 2000 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield,

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Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Linda Rhodes  
Department of Agriculture  
State Fairgrounds, P.O. Box 19281  
Springfield IL 62794-9281  
Telephone: (217) 785-5713  
Facsimile: (217) 785-4505

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Swine producers.

B) Reporting, bookkeeping or other procedures required for compliance: Additional testing of swine originating in Stage I or II states may be required for the animals to meet entry requirements.

C) Types of professional skills necessary for compliance: No additional professional skills are needed.

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:



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TITLE 8: AGRICULTURE AND ANIMALS  
 CHAPTER I: DEPARTMENT OF AGRICULTURE  
 SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS  
 (EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

## PART 115

## ILLINOIS PSEUDORABIES CONTROL ACT

Section	
115.10	Definitions
115.15	Incorporation by Reference
115.20	Pseudorabies Quarantines
115.30	General Requirements for Qualified Pseudorabies Negative, Negative Gene-Altered Vaccinated and Feeder Swine Pseudorabies Monitored Herds Requirements for Establishing and Maintaining Qualified Pseudorabies Negative Herds
115.40	Requirements for Establishing and Maintaining Pseudorabies Qualified-Negative Gene-Altered Vaccinated (QNV) Swine Herds
115.50	Requirements for Establishing and Maintaining Feeder Swine Pseudorabies Monitored Herds (Repealed)
115.60	Pseudorabies Test Requirements for Intrastate Movement
115.70	Pseudorabies Testing of Feeder Swine
115.80	Feeder Swine
115.90	Breeding Animals Consigned to Slaughter
115.100	Swine Intended for Slaughter; Permit
115.110	Use of Vaccine
115.120	

AUTHORITY: Implementing and authorized by the Illinois Pseudorabies Control Act [510 ILCS 90].

SOURCE: Adopted at 12 Ill. Reg. 3394, effective January 22, 1988; amended at 13 Ill. Reg. 3685, effective March 13, 1989; amended at 14 Ill. Reg. 1935, effective January 19, 1990; amended at 14 Ill. Reg. 5065, effective March 21, 1990; amended at 14 Ill. Reg. 15318, effective September 10, 1990; amended at 16 Ill. Reg. 11781, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 5906, effective March 17, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 14006, effective August 16, 1993; amended at 20 Ill. Reg. 1542, effective January 12, 1996; amended at 21 Ill. Reg. 904, effective January 7, 1997; amended at 21 Ill. Reg. 17079, effective January 1, 1998; amended at 23 Ill. Reg. 434, effective January 1, 1999; amended at 24 Ill. Reg. 1012, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 8620, effective June 15, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 115.80 Pseudorabies Testing of Feeder Swine**

Swine for feeding purposes shall, in addition to complying with the other requirements of this Part and 8 Ill. Adm. Code 105.10, enter or move within

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Illinois without further testing requirements for pseudorabies if:

- a) The swine are from a qualified pseudorabies negative herd; 7 or a QNV herd, where the last monitoring test has been conducted within 15 days, from Stage I and II states; 7 or a herd where a 95/10 test of the breeding herd, or, if the breeding herd is not on the same premises, of the feeder swine on the premises, was conducted within 15 30 days prior to shipment into Illinois or 30 days for movement within Illinois; or
- b) The swine originate from a state that has been classified as Stage IV or V under the Pseudorabies Eradication State-Federal-Industry Program Standards or originate from a country that meets the requirements for Stage V. If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 115.100 Breeding Animals Consigned to Slaughter**

Before being mixed with swine from any other source, all breeding animals consigned to slaughter or offered for sale for slaughter shall be identified to the herd of origin by an approved identification tag in accordance with the Swine Identification Program (9 CFR 78.33, 2000 1998). The tag shall be applied to the back of the neck of each animal. A report of such identification shall be made on forms provided by the United States Department of Agriculture and shall be submitted to the Department within 30 days of application. If such swine are slaughtered in Illinois, the management of the Illinois slaughter facility shall, upon written request from the Department or from the U.S. Department of Agriculture, provide for or permit the collection of blood samples for testing from the identified swine.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 115.110 Swine Intended for Slaughter; Permit**

Animals consigned to slaughter from Stage I or II states or from non-infected infected or unexposed exposed herds may be shipped into Illinois only upon permit from the Department and shall go directly to a recognized slaughter establishment or approved slaughter market. Animals from infected or exposed herds may be shipped into Illinois only upon permit from the Department and shall move, directly to a recognized slaughter establishment. The vehicles transporting infected or exposed swine are not allowed to pick up additional animals in Illinois until the official seal has been officially broken at the slaughter facility and the infected swine unloaded. Permits to import slaughter swine from Stage I or II states or infected or exposed herds shall be issued by telephoning or writing the Department.

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a) The applicant for the permit shall furnish the following information to the Department:

- 1) Name and complete mailing address of Illinois destination;  
2) Name and address of consignor; and  
3) Number of swine in shipment.
- b) Grounds for refusal to issue a permit are:  
1) Violation of the Act or this Part; and  
2) Presence of a disease that might endanger the Illinois swine industry.

a) The applicant for the permit shall furnish the following information to the Department:

- 1) Name and complete mailing address of Illinois destination;  
2) Name and address of consignor;  
3) Number of swine in shipment.
- b) Grounds for refusal to issue a permit are:  
1) Violation of the Act or any rule of this Part;  
2) Presence of a disease that might endanger the Illinois swine industry.

Swine originating from any quarantined herd must be shipped in a sealed vehicle and accompanied by a shipping permit VS Form 1-27.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Swine Disease Control and Eradication Act
- 2) Code Citation: 8 Ill. Adm. Code 105
- 3) 

<u>Section Number:</u>	<u>Proposed Action:</u>
105.5	Amended
105.7	Amended
105.10	Amended
105.30	Amended
105.110	New Section
105.120	New Section
105.130	New Section
- 4) Statutory Authority: Illinois Swine Disease Control and Eradication Act [510 ILCS 1001], Illinois Pseudorabies Control Act [510 ILCS 90] and Illinois Swine Brucellosis Eradication Act [510 ILCS 95]
- 5) A Complete Description of the Subjects and Issues Involved: Illinois' swine industry is threatened by the reintroduction of the disease pseudorabies. Illinois had been free of the disease since May 1999 and received Stage IV designation under the Program Standards for Pseudorabies Eradication on October 1, 1999. In February 2000, four Illinois herds broke with pseudorabies. One herd in Ogle County was infected as a result of importing infected breeding swine from Iowa. Two additional herds in Henry and Whiteside Counties are suspected as becoming infected through indirect contact with Iowa swine.  
  
Iowa has over 600 herds infected with pseudorabies. The Department is taking these emergency measures to protect the Illinois swine industry by strengthening the import testing requirements for swine from Stage I/II states (Iowa is the only state in this country with this category).  
  
Restrictions are also being placed on Illinois exhibition animals exhibiting out of state. Although the threat of exposure at exhibition is minimal, the risk of infection does exist.  
  
The swine industry in Illinois has requested a program for monitoring porcine reproductive and respiratory disease (PRRS). The Department has proposed a program that will recognize the amount of PRRS monitoring in the herd.
- 6) Will this proposed amendment replace an emergency amendment in effect?  
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes



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- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Thursday, September 14, 2000 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Linda Rhodes  
Department of Agriculture  
State Fairgrounds, P.O. Box 19281  
Springfield IL 62794-9281  
Telephone: 217/785-5713  
Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than September 6, 2000. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

## 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Swine producers.

B) Reporting, bookkeeping or other procedures required for compliance: Persons importing feeder swine from Stage I or II states will be required to retest a percentage of the swine 21-60 days post importation. Producers participating in the Voluntary PRRS Monitoring Program will be required to submit an annual herd agreement form.

C) Types of professional skills necessary for compliance: No additional professional skills are needed.

- 13) Regulatory agenda on which this rulemaking was summarized: July 2000

The full text of the proposed amendments begins on the next page:

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TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS  
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

## PART 105

## SWINE DISEASE CONTROL AND ERADICATION ACT

Section	
105.5	Definitions
105.7	Incorporation by Reference
105.10	Swine Entering Illinois for Feeding Purposes Only
105.20	Quarantine of Imported Feeder Swine
105.30	Swine Entering Illinois for Breeding Purposes
105.40	Pseudorabies (Aujeszky's Disease) in Swine (Repealed)
105.41	General Requirements for Qualified Pseudorabies Negative, Controlled Vaccinated and Feeder Swine Pseudorabies Monitored Herds (Repealed)
105.42	Requirements for Establishing and Maintaining Qualified Pseudorabies Negative Herds (Repealed)
105.44	Requirements for Establishing and Maintaining Pseudorabies Controlled Vaccinated Swine Herds (Repealed)
105.46	Requirements for Establishing and Maintaining Feeder Swine Pseudorabies Monitored Herds (Repealed)
105.50	Official Pseudorabies Test (Repealed)
105.60	Pseudorabies Test Requirements for Intrastate Movement (Repealed)
105.70	Pseudorabies Testing of Feeder Swine (Repealed)
105.80	Feeder Swine (Repealed)
105.90	Feral Swine
105.100	Feeder Swine Moving Through Pig Shows/Sales
105.110	Swine Entering Illinois for Exhibition Purposes Other Than Through Show/Pig Sales
105.120	Illinois Exhibition Swine
105.130	Requirements for Establishing and Maintaining a Herd Under the Voluntary Porcine Reproductive and Respiratory Disease (PRRS) Monitored Herd Program

AUTHORITY: Implementing and authorized by the Illinois Swine Disease Control and Eradication Act [510 ILCS 100], the Illinois Pseudorabies Control Act [510 ILCS 90], and the Illinois Swine Brucellosis Eradication Act [510 ILCS 95].

SOURCE: Rules and Regulations Relating to the Illinois Swine Disease Control and Eradication Act, filed February 24, 1975, effective March 6, 1975; 2 Ill. Reg. 24, p. 31, effective June 15, 1978; 2 Ill. Reg. 46, p. 10, effective November 11, 1978; 3 Ill. Reg. 33, p. 341, effective January 1, 1980; 5 Ill. Reg. 3, p. 745, effective January 2, 1981; 5 Ill. Reg. 45, p. 12100, effective October 27, 1981; codified at 5 Ill. Reg. 10461; amended at 5 Ill. Reg. 13619, effective December 4, 1981; amended at 8 Ill. Reg. 5998, effective April 23, 1984; amended at 9 Ill. Reg. 2236, effective February 15, 1985; amended at 9

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Ill. Reg. 18435, effective November 19, 1985; amended at 10 Ill. Reg. 9758, effective May 21, 1986; amended at 11 Ill. Reg. 10187, effective May 15, 1987; amended at 11 Ill. Reg. 10538, effective May 21, 1987; amended at 12 Ill. Reg. 3440, effective January 22, 1988; amended at 13 Ill. Reg. 3715, effective March 13, 1989; amended at 14 Ill. Reg. 1961, effective January 19, 1990; amended at 14 Ill. Reg. 15322, effective September 10, 1990; amended at 16 Ill. Reg. 11799, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 5910, effective March 17, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 14010, effective August 16, 1993; amended at 18 Ill. Reg. 1880, effective January 24, 1994; amended at 18 Ill. Reg. 17968, effective January 1, 1995; amended at 20 Ill. Reg. 1563, effective January 12, 1996; amended at 21 Ill. Reg. 917, effective January 7, 1997; amended at 21 Ill. Reg. 17094, effective January 1, 1998; amended at 23 Ill. Reg. 459, effective January 1, 1999; amended at 24 Ill. Reg. 1017, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 8625, effective June 15, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 105.5 Definitions**

The definitions for this Part shall be as set forth in the general definitions Section (8 Ill. Adm. Code 20.1). Also, the following definitions shall apply to this Part:

"Act" means the Illinois Swine Disease Control and Eradication Act [510 ILCS 100].

"Feral swine" mean swine that have lived any part of their lives free roaming. Swine may lose their designation as feral if they are maintained in captivity for at least 30 days and are tested negative for pseudorabies and brucellosis.

"Official random-sample test" (95/5) means a sampling procedure utilizing official pseudorabies serologic tests that provides a 95% probability of detecting infection in a herd in which at least 5% of the swine are seropositive for pseudorabies. Each segregated group of swine on an individual premises must be considered a separate herd and sampled as follows:

Less than 100 head - test 45  
100-200 head - test 51  
201-999 head - test 57  
1000 and over - test 59

"Official random-sample test" (95/10) means a sampling procedure utilizing official pseudorabies serologic tests that provides a 95% probability of detecting infection in a herd in which at least 10% of the swine are seropositive for pseudorabies. Each segregated group of swine on an individual premises must be considered a separate herd and

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sampled as follows:

Less than 100 head - test 25  
100-200 head - test 27  
201-999 head - test 28  
1000 and over - test 29

"Pig shows/sales" means events where feeder swine are commingled and sold with the intent of the swine being used for exhibition purposes.

"Site tattoo" means a permanent mark applied in the right ear or a slap tattoo on the right shoulder showing a unique number giving state and herd of origin. The unique number shall be assigned and approved by the Chief Animal Health Official of the state of origin or by the Federal Veterinarian in charge for that state.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

**Section 105.7 Incorporation by Reference**

The Pseudorabies Eradication State-Federal-Industry Program Standards (Jan. 2000 #999) as approved by the United States Animal Health Association (P.O. Box 28176, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176) and the Swine Brucellosis Eradication Uniform Methods and Rules (April 1998; as approved by the United States Animal Health Association, P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228) are incorporated by reference in this Part and do not include any later amendments or editions beyond the date specified.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

**Section 105.10 Swine Entering Illinois for Feeding Purposes Only**

a) Feeder swine, except feral swine, may enter Illinois provided they are identified by an ear tag or site tattoo in the right ear showing state of origin and accompanied by a permit from the Department and an official health certificate.

b) Official health certificate shall:

- 1) Be issued by an accredited veterinarian of the state of origin or a veterinarian in the employ of the United States Department of Agriculture;
- 2) Be approved by the Animal Health Official of state of origin;
- 3) Show that the feeder swine are free from visible evidence of any contagious, infectious, or communicable disease or exposure thereto;
- 4) Show that the feeder swine are not from a quarantined herd and/or



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area;  
 5) List number and description of the feeder swine, site tattoos, ear tag series or location of ear tag records when pigs originate from cooperative feeder pig sales; and  
 6) Show that the swine originated from a herd in which a representative sample of the breeding herd has been tested and found negative for pseudorabies (8 Ill. Adm. Code 115.80), originate from a qualified pseudorabies negative or pseudorabies negative gene-altered vaccinated herd or originate from a state that has been classified as Stage III, IV or V under the Pseudorabies Eradication State-Federal-Industry Program Standards. If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state.

## c) Permits:

- 1) Permits to import feeder swine shall only be issued to:
  - A) An Illinois licensed feeder swine dealer; and
  - B) A person importing pigs to feed on his own premises and not for resale other than to slaughter.
- 2) Applicant for permit shall furnish the following information to the Department:
  - A) Name and complete mailing address of Illinois destination.
  - B) Name and address of consignor.
  - C) Number of swine in shipment.
  - D) Pseudorabies vaccination status of swine.

- 3) Grounds for refusal to issue a permit are:
  - A) Violation of the Act or any rule of this Part.
  - B) If a person should be licensed under the Illinois Feeder Swine Dealer Licensing Act [225 ILCS 620] and his or her license is not in good standing with the Department.
  - C) Presence of a disease which might endanger the Illinois swine industry.

d) Imported isowean or feeder swine from Stage I or II states shall be quarantined to the Illinois premises until a 95/10 random sample test has been performed on the imported animals 21 to 60 days post-importation.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 105.30 Swine Entering Illinois for Breeding Purposes

a) Swine for breeding purposes, or of breeding age returning to Illinois after exhibition, except feral swine, may enter Illinois provided they are accompanied by a permit from the Department and an official health certificate.

b) Official health certificate shall:

- 1) Be issued by an accredited veterinarian of the state of origin or

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by a veterinarian in the employ of the United States Department of Agriculture;

- 2) Be approved by the Animal Health Official of the state of origin;
- 3) Identify each animal by registration number, approved ear tag, breed registry tattoo, or ear notch approved by the respective breed registry;
- 4) Show the swine are free from visible evidence of contagious, infectious, or communicable diseases;
- 5) Show that the swine are not from a quarantined herd and/or area;
- 6) Show any swine more than 4 months of age to be negative to an official test for brucellosis, conducted by an approved laboratory within 30 days prior to entry, OR that the swine originate from a validated brucellosis-free herd, with validated herd number and validation date listed on the health certificate, OR that the swine originate from a validated brucellosis-free state (Swine Brucellosis Eradication Uniform Methods and Rules; and
- 7) Show any swine to be negative to an official test for pseudorabies conducted by an approved laboratory within 15 90 days prior to entry OR that the swine originated from a qualified pseudorabies negative herd where at least half of the last monitoring test has been conducted within 15 days (testing half of the required monthly number of swine every 15 days is acceptable - Stage I or II states only; monthly or quarterly testing is acceptable in Stage III states), with the qualified herd number and qualification date listed on the health certificate, pseudorabies vaccination status of swine, OR that the swine originated from a country that meets the requirements for Stage V or from a state that has been classified as Stage IV or State V under the Pseudorabies Eradication State-Federal-Industry Program Standards. If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state if the state is split with a classification of Stage III and below. Split state status will be recognized for split III/IV and above.

## c) Permits:

- 1) Permits to import breeding swine shall be issued by telephoning or writing the Department.
- 2) Applicant for permit shall furnish the following information to the Department:
  - Name and complete mailing address of Illinois destination;
  - Name and address of consignor;
  - Number of swine in shipment; and
  - Pseudorabies vaccination status of swine.
- 3) Grounds for refusal to issue a permit are:
  - A) Violation of the Act or any rule of this Part; and
  - B) Presence of a disease which might endanger the Illinois

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- swine industry.
- d) Imported breeding animals or swine of breeding age returning to Illinois after exhibition shall be kept quarantined and isolated until a percentage of the imported breeding swine are retested and negative to an official test for pseudorabies conducted not less than 21 days nor more than 60 days after entering Illinois. If the number of imported breeding animals is 35 or less, all or at least 10 animals, whichever is less, are to be tested. If more than 36 imported breeding animals are involved, a minimum of 30 percent or 30 animals, whichever is less, is to be tested. Imported breeding swine originating from a country that meets the requirements for Stage V or a state that has been classified as Stage IV or Stage V under the pseudorabies Eradication State-Federal-Industry Program Standards are exempt from the isolation and retest provisions. If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state if the state is split with a classification of Stage III and below. Split state status will be recognized for split III/IV and above.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 105.110 Swine Entering Illinois for Exhibition Purposes Other Than Through Show/Pig Sales

Swine of any age entering Illinois for exhibition purposes other than through show/pig sales must comply with the following:

- a) Exhibition swine may enter Illinois provided they are identified by an ear tag, tattoo or recognized breed ear notch, and accompanied by a permit from the Department and an official health certificate.
- b) Official health certificate shall:
  - 1) Be issued by an accredited veterinarian of the state of origin or a veterinarian in the employ of the United States Department of Agriculture;
  - 2) Be approved by the Animal Health Official of state of origin;
  - 3) Show that the exhibition swine are free from visible evidence of any contagious, infectious or communicable disease or exposure to those diseases;
  - 4) Show that the exhibition swine are not from a quarantined herd and/or area;
  - 5) Show that the swine originated from a Stage III, IV or V state and are negative to an official test for pseudorabies conducted within the 30 days prior to entry; or that the swine originated from a qualified pseudorabies negative herd in a Stage III, IV or V state, and the qualified pseudorabies negative herd number and date of last qualification test is listed on the health certificate; or that the swine originated from a Stage I or II

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- state and are negative to an official test for pseudorabies conducted within the 10 days prior to entry; and
- 6) Show breeding swine, four months of age and over, to be negative to an official test for brucellosis within 30 days prior to exhibition; or that the swine originated from a validated brucellosis-free herd with the herd number and date of last validation test listed on the health certification; or the swine originated from a validated brucellosis-free state.

c) Permits:

- 1) Applicant for permit shall furnish the following information to the Department:
  - A) Name and complete mailing address of Illinois destination;
  - B) Name and address of consignor;
  - C) Number of swine in shipment; and
  - D) Pseudorabies vaccination status of swine.
- 2) Grounds for refusal to issue a permit are:
  - A) Violation of the Act or this Part; and
  - B) Presence of a disease that might endanger the Illinois swine industry.

Swine consigned to terminal market classes must meet the same test requirements as exhibition swine if these classes are held "exhibits not intended for slaughter." When terminal classes are held on a day when no other livestock are present, these animals are exempt from all test requirements and do not need a health certificate and permit, unless the animals are originating from Stage I or Stage II states, when the health certificate and permit is still required. All swine in terminal classes must be identified by a site tattoo. Swine from pseudorabies quarantined herds are not allowed to exhibit regardless of whether the show is terminal or non-terminal.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 105.120 Illinois Exhibition Swine

Illinois exhibition swine of any age must meet the following requirements:

- a) Be accompanied by a health certificate issued within 90 days prior to exhibition and individually identified by ear tag, tattoo or recognized ear notch. Ear notch identification is acceptable for barrows, crossbred gilts and breeding swine.
- b) Official health certificate shall:
  - 1) Be issued by an accredited veterinarian of the state of origin or a veterinarian in the employ of the United States Department of Agriculture;
  - 2) Show that the exhibition swine are free from visible evidence of any contagious, infectious or communicable disease or exposure to those diseases;
  - 3) Show that the exhibition swine are not from a quarantined herd and/or area; and



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4) Show that the swine are negative to an official test for pseudorabies conducted within the 90 days prior to exhibition; or that the swine originated from a qualified pseudorabies negative herd and the qualified pseudorabies negative herd number and date of last qualification test is listed on the health certificate. Illinois swine exhibited in Stage I or Stage II states or out-of-state shows allowing Stage I or II state pigs to exhibit returning to Illinois must be isolated and retested negative to an official test for pseudorabies 21-60 days after returning to Illinois before being able to be exhibited in Illinois or return to the herd of origin.

Swine consigned to terminal market classes must meet the same test requirements as exhibition swine if these classes are held "exhibits not intended for slaughter." When terminal classes are held on a day when no other livestock are present, these animals are exempt from all test requirements and do not need a health certificate. All swine in terminal classes must be identified by a site tattoo. Swine from pseudorabies quarantined herds are not allowed to exhibit regardless of whether the show is terminal or non-terminal.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 105.130 Requirements for Establishing and Maintaining a Herd Under the Voluntary Porcine Reproductive and Respiratory Disease (PRRS) Monitored Herd Program

a) The following definitions shall be applicable to this Section:

"Accredited laboratory" means a laboratory operated by the Illinois Department of Agriculture or the University of Illinois College of Veterinary Medicine, or a laboratory approved by the Director (on the basis that it is using USDA approved methods).

"Herd" or "premises" means all animals under common ownership or supervision on a specific geographic area. The herd or premises is defined by the owner and veterinarian, and may include all or a portion of pork production under their control. A premises describes a physical space that is dedicated for use by the producer when entering the PRRS monitored herd program. For an entire production system to be monitored, all phases of production must be sampled and participate in the program. Producers can select the production group they wish to monitor. All phases of production up to and including the "selected" group must participate in the program. If multiple locations input swine into the proposed PRRS monitored production herd or premises, all sites must be sampled separately to validate the final PRRS monitoring herd defined premises.

"PRRS" means porcine reproductive and respiratory syndrome.

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b) Criteria for herd to enter into or to remain in the voluntary monitoring herd program:

1) Participation in this program is voluntary and the producer/owner is responsible for the cost of testing.

2) All breeding swine that have been tested must have permanent identification such as registry association approved individual tattoo, ear notch, registration number or approved ear tags.

"Approved ear tags" means any ear tag that is tamper resistant, has been approved for use either by the USDA or the Illinois

Department of Agriculture, and conforms either with a nine digit alphanumeric system starting with "33" (the postage code for Illinois) followed by three letters and four numbers or with a three letter and four number system on one side and either "Illinois" or "IR" on the reverse side. Information concerning manufacturers of approved ear tags may be obtained from the Department.

3) The owner annually signs a producer agreement form verifying that the producer or manager:

A) understands the clinical signs of PRRS;

B) identifies a herd veterinarian;

C) agrees to work with that veterinarian in the event clinical signs of PRRS develop;

D) identifies the premises and animal production groups that will be monitored and the average number of animals per premises or production group; and

E) outlines the testing procedure employed to verify PRRS testing qualifications.

4) Quarter sample size for initial monitoring for all production systems and for monitoring phase for farrow-weaning sites (Table A):

Population size:		
Breeding females or maximum G-F capacity	Breeding herd females	G-F Swine (Grow-Finisher)
10 and under	9	9
11-20	15	15
21-30	18	18
31-40	20	20
41-50	22	22
51-100	25	25
101-200	27	27
201-1000	28	28
1001 and above	29	29

5) Quarterly sample size for monitoring phase for farrow-finish and farrow-feeder pig herds (Table B):

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- 6) Upon completion of the four qualifying tests, the Director shall issue a certificate of PRRS monitoring for the herd. A new certificate will be issued annually upon completion of the required monitoring test and the receipt of the annual producer agreement form.
- c) Procedure for monitoring farrow-finish and seedstock producer herds:
- 1) Initial herd monitoring:
- A) Test the required number of swine (Table A) in the grow-finisher herd at 90-day intervals (+ or - 15 days) for a period of 12 months (4 tests total). No sow shall be sampled twice with 101 sows or more in the breeding herd. Individual identification is required.
- B) External additions must be held in isolation and either tested prior to or within 10 days after arrival and identified and tested 40-60 days after arrival. Only after the retest can the animal be released from isolation. If a positive animal is detected, all co-mingled animals must be retested 30-40 days after the positive is disclosed. Any PRRS positive animal must be promptly removed from the monitored premises.
- C) All internal replacements (gilts, boars, teaser boars) must be PRRS test negative prior to entry into the breeding herd.
- 2) Maintenance of monitored herd status:
- A) Test the feeder pigs according to Table B on 90-day intervals (+ or - 15 days). The sample should represent the oldest pigs in the nursery. Pigs must be present in the nursery at least two weeks prior to the sampling to be eligible for testing. No identification is required. Multiple pens and litters must be sampled.
- B) Test breeding herd according to Table B on 90-day intervals (+ or - 15 days). Sows must be of all parities and from each production phase (gestation, post-weaning, lactation, and off-premises gestation). Individual identification is required.
- C) Additions to the herd shall be as prescribed above.

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- Population size:  
Breeding females  
or maximum G-F  
capacity
- |               | Breeding herd<br>females | G-F Swine<br>(Grow-Finisher) |
|---------------|--------------------------|------------------------------|
| 10 and under  | 7                        | 7                            |
| 11-20         | 10                       | 10                           |
| 21-30         | 11                       | 11                           |
| 31-40         | 12                       | 12                           |
| 41-50         | 12                       | 12                           |
| 51-200        | 13                       | 13                           |
| 201 and above | 14                       | 14                           |
- 6) Upon completion of the four qualifying tests, the Director shall issue a certificate of PRRS monitoring for the herd. A new certificate will be issued annually upon completion of the required monitoring test and the receipt of the annual producer agreement form.
- c) Procedure for monitoring farrow-finish and seedstock producer herds:
- 1) Initial herd monitoring:
- A) Test the required number of swine (Table A) in the grow-finisher herd at 90-day intervals (+ or - 15 days) for a period of 12 months (4 tests total).
- B) Blood test the required number of breeding stock (Table A) at 90-day intervals (+ or - 15 days) for a period of 12 months (4 tests total). No sow shall be sampled twice with 101 sows or more in the breeding herd. Individual identification is required.
- C) External additions must be held in isolation and either tested prior to or within 10 days after arrival and identified and tested 40-60 days after arrival. Only after the retest can the animal be released from isolation. If a positive animal is detected, all co-mingled animals must be retested 30-40 days after the positive is disclosed. Any PRRS positive animal must be promptly removed from the monitored premises.
- D) All internal replacements (gilts, boars, teaser boars) must be PRRS test negative prior to entry into the breeding herd.
- 2) Maintenance of monitored herd status:
- A) Test animals in the grow-finisher according to Table B on 90-day intervals (+ or - 15 days). Pigs must weigh at least 90 pounds.
- B) Test breeding herd according to Table B on 90-day intervals (+ or - 15 days). Sows must be of all parities and from each production phase (gestation, post-weaning, lactation, and off-premises gestation). Individual identification is required.
- C) Additions to the herd shall be as prescribed above.

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- Population size:  
Breeding females  
or maximum G-F  
capacity
- |               | Breeding herd<br>females | G-F Swine<br>(Grow-Finisher) |
|---------------|--------------------------|------------------------------|
| 10 and under  | 7                        | 7                            |
| 11-20         | 10                       | 10                           |
| 21-30         | 11                       | 11                           |
| 31-40         | 12                       | 12                           |
| 41-50         | 12                       | 12                           |
| 51-200        | 13                       | 13                           |
| 201 and above | 14                       | 14                           |
- 6) Upon completion of the four qualifying tests, the Director shall issue a certificate of PRRS monitoring for the herd. A new certificate will be issued annually upon completion of the required monitoring test and the receipt of the annual producer agreement form.
- c) Procedure for monitoring farrow-finish and seedstock producer herds:
- 1) Initial herd monitoring:
- A) Test the required number of swine (Table A) in the grow-finisher herd at 90-day intervals (+ or - 15 days) for a period of 12 months (4 tests total).
- B) Blood test the required number of breeding stock (Table A) at 90-day intervals (+ or - 15 days) for a period of 12 months (4 tests total). No sow shall be sampled twice with 101 sows or more in the breeding herd. Individual identification is required.
- C) External additions must be held in isolation and either tested prior to or within 10 days after arrival and identified and tested 40-60 days after arrival. Only after the retest can the animal be released from isolation. If a positive animal is detected, all co-mingled animals must be retested 30-40 days after the positive is disclosed. Any PRRS positive animal must be promptly removed from the monitored premises.
- D) All internal replacements (gilts, boars, teaser boars) must be PRRS test negative prior to entry into the breeding herd.
- 2) Maintenance of monitored herd status:
- A) Test animals in the grow-finisher according to Table B on 90-day intervals (+ or - 15 days). Pigs must weigh at least 90 pounds.
- B) Test breeding herd according to Table B on 90-day intervals (+ or - 15 days). Sows must be of all parities and from each production phase (gestation, post-weaning, lactation, and off-premises gestation). Individual identification is required.
- C) Additions to the herd shall be as prescribed above.



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENTS

the retest can the animal be released from isolation. If a positive animal is detected, all in-contact animals must be retested 30-40 days after the positive is disclosed. Any PRRS positive animal must be promptly removed from the monitored premises.

D) All internal replacements (gilts, boars, teaser boars) must be PRRS test negative prior to entry into the breeding herd.

2) Maintenance of monitored herd status:

A) No piglet sampling is required.

B) Test breeding herd according to Table B on 90-day intervals (+ or - 15 days). Sows must be of all parities and from each production phase (gestation, post-weaning, lactation and off-premises gestation). Individual identification is required.

C) Additions to the herd shall be as prescribed above.

f) Procedure for monitoring boar stud premises where only seronegative boars can reside:

1) Initial herd monitoring:

A) All boars must be tested every six months (+ or - 15 days) for a period of 12 months (two tests).

B) All incoming boars must be tested prior to arrival or within 10 days after arrival and again 40-60 days after arrival. Boars must originate from a farm where there has been no evidence of PRRS for at least one year. The herd of origin must not be using PRRS vaccine.

2) Maintenance of monitored herd status:

A) Test the required number of boars (Table B) every 90 days (+ or - 15 days).

B) All incoming boars must be tested prior to arrival or within 10 days after arrival and again 40-60 days after arrival. Boars must originate from a farm where there has been no evidence of PRRS for at least one year. The herd of origin must not be using PRRS vaccine.

g) Suspension or revocation of monitored herd status:

1) If a positive animal is detected during a monitoring test, the monitored herd status shall be suspended until all in-contact animals have been retested 30-40 days after the positive is disclosed. Any PRRS positive animals must be promptly removed from the monitored premises. If subsequent positives are revealed, the monitored herd status shall be revoked.

2) Failure to conduct the required testing shall result in the revocation of the monitored herd status.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Crisis Assistance

2) Code Citation: 89 Ill. Adm. Code 116

3) Section Numbers: 116.500  
Proposed Action: Amendment

4) Statutory Authority: Implementing Articles III, IV, and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI and 12-13].

5) A Complete Description of the Subjects and Issues involved: These proposed amendments revise the Crisis Assistance provisions.

6) Will this proposed rulemaking replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield, Illinois 62762  
(217) 785-9772

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

C) Types of professional skills necessary for compliance: None

- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included in either of the two most recent regulatory agendas because: It was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 116  
CRISIS ASSISTANCE

## Section

116.10	Incorporation By Reference
116.400	Crisis Assistance Programs (Repealed)
116.500	Crisis Assistance <b>Payments</b>
116.510	Emergency Assistance Program (Repealed)
116.520	Hardship Program (Repealed)

AUTHORITY: Implementing Articles III, IV, and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI and 12-13].

SOURCE: Filed and effective December 30, 1977; amended at 4 Ill. Reg. 13, p. 1287, effective March 17, 1980; amended at 5 Ill. Reg. 12722, effective October 28, 1981; codified at 7 Ill. Reg. 5195; emergency amendment at 9 Ill. Reg. 18154, effective November 15, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 11027, effective June 11, 1986; amended at 11 Ill. Reg. 6487, effective March 17, 1987; amended at 12 Ill. Reg. 14207, effective August 30, 1988; amended at 13 Ill. Reg. 3847, effective March 10, 1989; amended at 14 Ill. Reg. 16970, effective September 30, 1990; amended at 15 Ill. Reg. 16719, effective November 1, 1991; emergency amendment at 15 Ill. Reg. 16772, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 5350, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 13961, effective September 1, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 1078, effective January 15, 1993; amended at 17 Ill. Reg. 19188, effective October 25, 1993; amended at 19 Ill. Reg. 7895, effective June 5, 1995; amended at 19 Ill. Reg. 16852, effective December 11, 1995; emergency amendment at 21 Ill. Reg. 8612, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15507, effective November 26, 1997; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 116.500 Crisis Assistance Payments

- a) A crisis assistance payment may be provided to TANF recipients, as per Section 4-12 9-12 of the Illinois Public Aid Code [305 ILCS 5/4-129-127], in the following situations:
- 1) The family is rendered homeless or is threatened with homelessness as a result of a fire, flood or other natural disaster.
  - 2) The family has an eviction or a court order to vacate the premises.



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 3) *A caretaker spouse and child have left the residence occupied by the caretaker's a spouse who was physically abusing the now homeless spouse or child.*
- 4) *The family is deprived of essential items of furniture and/or clothing by fire, flood or other natural disaster.*
- 5) *The family is deprived of food as a result of fire, flood, or other disaster which does not render the family homeless and the need cannot be met through the food stamp program. Food cannot be authorized for replacement of lost or stolen food stamps.*
- 6) *As a result of documented theft or documented loss of cash, the family is deprived of food or essential clothing or the family is deprived of shelter or immediately threatened with deprivation of shelter as evidence by a court order requiring immediate eviction due to nonpayment of rent. The amount issued for lost/stolen cash cannot exceed the amount that was lost and can never exceed the amount of the payment level.*
- 7) *The family has non-medical needs related to essential medical care. Non-medical needs for essential medical care are needs associated with the provision of specialized or essential medical care and include the following:*
- A) Food - when overnight lodging is required or when extensive travel is required during the day in order to obtain essential or specialized medical care.
- B) Lodging - when overnight lodging is required to obtain essential or specialized medical care.
- C) Transportation to the source of essential or specialized medical care when it cannot be provided by the Medical Assistance program or some other source. Transportation expenses for routine office visits associated with normal medical care shall not be allowed.
- b) Payment shall be made for the following items when the recipient has demonstrated a need for such an item:
- 1) One month's rent;
  - 2) Food (minus the amount of available food stamps);
  - 3) Essential clothing:
    - A) Essential clothing is defined as those articles of clothing appropriate for the season which the recipient would have purchased with the money which is lost or stolen;
    - B) If everyone in the assistance unit has at least one full set of clothing, appropriate to the season, this allowance for clothing will not be authorized;
  - 4) Household supplies;
  - 5) Essential household furnishings; and
  - 6) Non-medical needs related to essential medical care.
    - Eligibility for non-medical needs related to essential medical care is determined through the verification of a specialized or essential medical need. The verification of a specialized or essential medical need is provided by the client's doctor.

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- c) Maximum Payments
- 1) Shelter Costs: One month's rent not to exceed \$250.
  - 2) Clothing, Household Supplies

Size of Assistance Unit	Clothing	Household Supplies
1	\$ 34.00	\$11.00
2	\$ 58.00	\$14.00
3	\$ 92.00	\$17.00
4	\$117.00	\$17.00
5	\$146.00	\$20.00
6	\$174.00	\$20.00
7	\$204.00	\$22.00
8	\$233.00	\$22.00
9	\$261.00	\$23.00
10	\$291.00	\$24.00

- 3) Food - \$5 per person per day until the receipt of the next regular payment not to exceed 30 days.

- 4) Household Furnishings
- A) Kitchen table - \$50 (one per assistance unit)
  - B) Kitchen Chair - \$10 (one per person in assistance unit)
  - C) Beds - to ensure adequate sleeping facilities for all members of the assistance unit.

- i) Bed frame - \$30
- ii) Single mattress and springs - \$70
- iii) Double mattress and springs - \$100
- iv) Bunk beds (including mattresses and springs) - \$130
- v) Crib (including mattress) - \$65

- 5) Non-Medical Needs Related to Essential Medical Care

- A) Food - \$9 a day or \$3 per meal.

- B) Lodging - Lodging expenses shall be approved for the least expensive rate which provides lodging that is adequate and available to meet the individual's needs. Payment will not be provided for a higher amount if it can be determined that lodging is available free of charge or at a lower rate.

- C) Transportation - When transportation cannot be provided by the Medical Assistance program, transportation expenses shall be approved for the least expensive mode of transportation adequate to meet the individual's needs. When transportation is by private automobile, the allowable rate shall be at 14¢ per mile.

- d) Time Limits

- A decision on a request shall be made within 5 work days of the date of request. Assistance shall be authorized within 2 work days following the decision.

- e) ~~Program--Restriction Assistance provided through the Crisis Assistance~~

## DEPARTMENT OF HUMAN SERVICES

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Program shall not be considered as income in computing the regular assistance grant. The recipient may only receive special assistance during one period of 30 consecutive days in any 12 consecutive months. This may include payments to meet needs which occur before or extend beyond the 30-day period. However, this provision does not apply to non-medical needs related to essential medical care. Payment for non-medical needs related to essential medical care may be made as often as is necessary regardless of whether the client has received a Special Assistance Payment in the past twelve months. A client may receive a Special Assistance Payment for a reason other than a non-medical need related to essential medical care regardless of whether a Special Assistance Payment for non-medical needs has been made within the past twelve months. For recipients participating in the Homelives Families Support Project, see Section 170-30.

f) Assistance is provided only if the destitution or need did not arise from a refusal, without good cause, to accept employment or training for employment.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: General Administrative Provisions

2) Code Citation: 89 Ill. Adm. Code 10

3) Section Numbers: Proposed Action:  
10.230 Amendment  
10.410 Amendment

4) Statutory Authority: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].

5) A Complete Description of the Subjects and Issues involved: These proposed amendments revise confidentiality of case information provisions.

6) Will this proposed rulemaking replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield, Illinois 62762  
(217) 785-9772

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None  
Types of professional skills necessary for compliance: None



DEPARTMENT OF HUMAN SERVICES  
NOTICE OF PROPOSED AMENDMENTS

- C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of Proposed Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF PROPOSED AMENDMENTS  
TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS  
PART 10  
GENERAL ADMINISTRATIVE PROVISIONS  
SUBPART A: APPLICABILITY AND DEFINITIONS

Section	
10.101	Incorporation by Reference
10.110	Applicability
10.120	Definitions
10.130	Assistance Programs
10.140	Assistance Program Restrictions

SUBPART B: RIGHTS AND RESPONSIBILITIES

Section	
10.210	Rights of Clients
10.220	Nondiscrimination
10.225	Grievance Rights of Clients
10.230	Confidentiality of Case Information
10.235	Case Records
10.250	Reporting Change of Circumstances
10.263	Reporting Child Abuse/Neglect
10.268	Reporting Elder Abuse/Neglect
10.270	Notice to Client
10.280	Right to Appeal
10.281	Continuation of Assistance Pending Appeal
10.282	Time Limit for Filing an Appeal
10.283	Examining Department Records
10.284	Child Care
10.290	Voluntary Repayment of Assistance
10.295	Correction of Underpayments
10.300	Recovery of Assistance
10.310	Estate Claims
10.320	Real Property Liens
10.330	Filing and Renewal of Liens
10.340	Foreclosure of Liens
10.350	Release of Liens
10.360	Personal Injury Claims
10.370	Convictions of Fraud - Eligibility
10.380	Single Conviction of Fraud - Administrative Review Board

SUBPART C: APPLICATION PROCESS

Section	
10.410	Application for Assistance
10.415	Local Office Action on Application for Public Assistance

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 10.420 Time Limitations on the Disposition of an Application  
 10.430 Approval of an Application and Initial Authorization of Financial Assistance  
 10.438 General Assistance Approval Provisions  
 10.440 Denial of an Application

**AUTHORITY:** Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].

**SOURCE:** Emergency rules adopted at 21 Ill. Reg. 9515, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 15515, effective November 26, 1997; amended at 22 Ill. Reg. 19816, effective November 1, 1998; amended at 23 Ill. Reg. 6944, effective June 1, 1999; amended at 24 Ill. Reg. 7856, effective May 16, 2000; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: RIGHTS AND RESPONSIBILITIES

## Section 10.230 Confidentiality of Case Information

- a) For the protection of clients, any information about a client or case is confidential and shall be used only for purposes directly related to the administration of the assistance programs, except as provided in subsections (d) and (e) of this Section. The following shall be considered as included in the administration of the programs:
- 1) the establishment of a client's initial or continuing eligibility for public assistance;
  - 2) the establishment or the extent of an individual's need for financial assistance, medical assistance or other services; and
  - 3) the establishment of procedures assuring the health and safety of the client.
- b) Use of information for commercial, personal, or political purposes is specifically prohibited.
- c) Local office staff shall inform all agencies and governmental departments to whom information is furnished that this material is confidential and must be so considered by the agency or governmental department.
- d) Temporary Assistance for Needy Families and General Assistance TANF and General Assistance case records shall be made available upon request to the officers of any court or law enforcement agency, and to other persons or agencies authorized by any court. In particular, case records may be made available to a law enforcement agency to determine the current address of a recipient for whom they have an outstanding arrest warrant. Information shall also be disclosed to the Illinois State Scholarship Commission pursuant to its investigation or audit of a delinquent student loan or monetary award. Information may be exchanged among the Illinois Department of Public Aid, Department of Human Services, and Department of Revenue to verify

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

sources and amounts of income and for other purposes directly related to the administration of the Illinois Public Aid Code and of the Illinois Income Tax Act. The provisions of this Section, as they apply to applicants and recipients of assistance programs, shall be operative only to the extent that they do not conflict with any federal law or regulation governing federal grants to the State for such programs.

## e) Food Stamps

- 1) For the protection of food stamp households, use or disclosure of individual or case information obtained from the household is restricted to the following:

- A) persons directly connected with the administration or enforcement of the provisions of the Food Stamp Act of 1977 (7 USC 2011 et seq.) or regulations;
- B) persons directly connected with other federal or federally aided, or State means-tested assistance programs;
- C) Illinois State agencies involved in investigations of reports of child abuse or neglect, including the Department of Children and Family Services;
- D) employees of the Comptroller General's Office of the United States for audit examination;
- E) local, State or federal law enforcement officials, upon their written request, for the purpose of investigating an alleged violation of the Food Stamp Act of 1977 or regulations. The written request shall identify the official making the request and the authority to do so; the violation being investigated; and the identity of the person on whom the information is requested; and
- F) State and local law enforcement officers for the current address of clients who are fugitive felons or probation/parole violators. A fugitive felon is a person fleeing to avoid prosecution or to avoid incarceration as a result of his or her involvement in a felony case. A person who has escaped from a correctional facility is a fugitive felon. The current address of clients shall be disclosed only to properly identified (i.e., law enforcement badge and/or identification card) State and local law enforcement officers who:

- i) provide the Department with the name and social security number of the client; and
- ii) satisfy the requirements of 45 CFR 205.50(a)(v)(A) through (C) (rev. 10/01/1999).

The client shall not be advised of the disclosure of individual or case information.

- 2) If written request to review materials in the case record is submitted by a responsible household member, the household's currently authorized representative, or a person acting in the household's behalf, the material and information in the case



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

record shall be made available for inspection during normal business hours. However, the local office may withhold confidential information, such as the names of individuals who have disclosed information about the household without the household's knowledge or the nature or status of pending criminal prosecutions.

- d) ~~The current address of clients who are fugitive felons or probation/parole violators shall be disclosed to State and local law enforcement officers without client consent. For cash assistance a fugitive felon is a person fleeing to avoid prosecution, to avoid giving testimony, or to avoid incarceration as a result of his or her involvement in a felony case. For food stamps a fugitive felon is a person fleeing to avoid prosecution or to avoid incarceration as a result of his or her involvement in a felony case. A person who has escaped from a correctional facility is a fugitive felon. The current address of clients shall be disclosed only to property identified fire, law enforcement, badge and/or identification card State and local law enforcement officers who:~~
- i) ~~provide the Department with the name and social security number of the client, and~~
- 2) ~~satisfy the requirements of 45 CFR 205.50(a)(7)(A) (6)(1984). The client shall not be advised of the disclosure of such information.~~

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: APPLICATION PROCESS

## Section 10.410 Application for Assistance

- a) An application is a signed request for assistance on a Department of Human Services (Department) form which has been completed to the best of the client's knowledge and ability.
- b) The application must contain an original signature or signatures. If the application does not contain an original signature or signatures, the local office shall return the application to the sender to obtain the original signature or signatures.
- c) The application must be signed by the applicant with the following exceptions:
- 1) When a conservator has been appointed for the applicant, the conservator must sign the application.
  - 2) When the applicant is physically or mentally unable to sign the application, the application may be signed by someone acting responsibly on ~~in~~ behalf of the applicant.
  - 3) When application is made on behalf of a child, the child's caretaker must sign the application.
  - 4) When the applicant has appointed an authorized representative

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- with the Department. (An authorized representative is a person authorized by the applicant to act on his or her behalf.)
- d) Application for medical assistance may be made on behalf of a deceased person. In order for payment to be made by the Department for the funeral and burial expenses of the decedent, the completed application must be received in the local office not more than 30 calendar days after the individual's death, excluding the day on which death occurred, unless delay in receipt of the form occurred through no fault of the individual applying.
- e) The applicant may be assisted by the Department and by individuals of the applicant's choice in completing the application.
- f) The date of application shall be the date a completed original application is received by the local office serving the area of the State in which the applicant lives, with one exception: for applications completed by pregnant women and children under age 18 at a disproportionate share hospital or federally qualified health center, the date the application is signed by the applicant shall be the date of application.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Definitions and General Provisions

2) Code Citation: 35 Ill. Adm. Code 211

3) Section Numbers:

Amend

211.102

New

211.479

New

211.1312

New

211.1316

New

211.1320

New

211.1324

New

211.1328

New

211.1515

New

211.2080

New

211.2420

New

211.2425

New

211.2620

New

211.2815

New

211.2820

New

211.3980

New

211.4960

New

211.5580

New

4) Statutory Authority: Implementing Sections 9, 9.1, 9.9, and 10 and authorized by Sections 27 and 28.5 of the Illinois Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, 27, and 28.5]

5) A Complete Description of the Subjects and Issues Involved: This rulemaking is explained in more detail in the Board's opinion and order of July 13, 2000, R01-9, available from the address in item 11 below. The rulemaking was initiated by a proposal filed by the Illinois Environmental Protection Agency under the fast-track rulemaking provision of Section 28.5 of the Environmental Protection Act. In summary, these proposed additions to 35 Ill. Adm. Code 211 are new definitions that will be used in Proposed New 35 Ill. Adm. Code 217, Subpart W, the NOX Trading Program for Electrical Generating Units, and Amendments to 35 Ill. Adm. Code 211 and 217.

6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed amendments are

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

brought under the authority of Sections 5/9.9, 27, and 28.5 of the Illinois Environmental Protection Act. The amendments proposed by the Pollution Control Board (Board) are required to be adopted by the State under Clean Air Act Sections 110(a), 172(b), 182(b)(1)(A), 182(c)(2)(A), and 182(g)(1). 42 U.S.C. Sections 7401(a), 7502(b), 7511a(b)(1)(A), and 7511a(c)(2)(A), and 7511a(g)(1). These amendments will become part of the State Implementation Plan (SIP) to be submitted to the United States Environmental Protection Agency for approval, as follows: as part of the attainment demonstrations for the Metro-East/St. Louis ozone nonattainment area and the Chicago ozone nonattainment area; to satisfy a portion of the requirements of the so-called NOX SIP Call, 63 Fed. Reg. 57,356 (Oct. 27, 1998); and to meet the requirements of Section 9.9 of the Act by implementing the federal NOX Trading Program for Electrical Generating Units.

These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3 (1992)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R01-9 and be addressed to:

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph St.  
Suite 11-500  
Chicago, IL 60601

Address all questions to Catherine Glenn, at 312-814-6923 or glenn@ipcb.state.il.us

The Board will also accept comment at hearings scheduled for the following dates:

August 28, 2000, at 1:00 p.m.  
City Hall Chambers  
Municipal Center West  
300 South Seventh Street  
Springfield, IL 62757

September 26, 2000, at 9:30 a.m.  
James R. Thompson Center  
Room 9-031  
100 West Randolph Street  
Chicago, Illinois 60601



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

October 10, 2000, at 1:00 p.m. (if necessary)  
 James R. Thompson Center  
 Illinois Pollution Control Board Hearing Room  
 11th Floor  
 100 West Randolph Street  
 Chicago, Illinois 60601

Request copies of the Board's opinion and order in Docket R01-9 from Patricia Jones, at 312-814-3620, or download from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

- 12) Initial Regulatory Flexibility Analysis: No small business will be affected to a degree greater than currently required under existing state regulations or allowed by federal law.

A) Types of small businesses affected: The proposed amendments will affect those small businesses that own or operate fossil fuel-fired electrical generating units (EGUs). The additional requirements are however identical to those mandated by federal law.

B) Reporting, bookkeeping or other procedures required for compliance: The proposed revisions to Part 211 do not require that a source maintain any additional records; however, record keeping and reporting requirements appear in the context of the accompanying proposed amendments to 35 Ill. Adm. Code 217, Subpart W.

C) Types of professional skills necessary for compliance: No professional skills beyond those currently required by the rules will be required.

- 13) Regulatory agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
 SUBTITLE B: AIR POLLUTION  
 CHAPTER I: POLLUTION CONTROL BOARD  
 SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS  
 FOR STATIONARY SOURCES

## PART 211

## DEFINITIONS AND GENERAL PROVISIONS

## SUBPART A: GENERAL PROVISIONS

Section  
 211.101 Incorporations by Reference  
 211.102 Abbreviations and Conversion Factors

## SUBPART B: DEFINITIONS

Section  
 211.121 Other Definitions  
 211.122 Definitions (Repealed)  
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## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

211.570	Asphalt
211.590	Asphalt Prime Coat
211.610	Automobile
211.630	Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant
211.650	Automobile or Light-Duty Truck Refinishing
211.660	Automotive/Transportation Plastic Parts
211.670	Baked Coatings
211.680	Bakery Oven
211.685	Basecoat/Clearcoat System
211.690	Batch Loading
211.695	Batch Operation
211.696	Batch Process Train
211.710	Bead-Dipping
211.730	Binders
211.750	British Thermal Unit
211.770	Brush or Wipe Coating
211.790	Bulk Gasoline Plant
211.810	Bulk Gasoline Terminal
211.820	Business Machine Plastic Parts
211.830	Can
211.850	Can Coating
211.870	Can Coating Line
211.890	Capture
211.910	Capture Device
211.930	Capture Efficiency
211.950	Capture System
211.970	Certified Investigation
211.980	Chemical Manufacturing Process Unit
211.990	Choke Loading
211.1010	Clean Air Act
211.1050	Cleaning and Separating Operation
211.1070	Cleaning Materials
211.1090	Clear Coating
211.1110	Clear Topcoat
211.1130	Closed Purge System
211.1150	Closed Vent System
211.1170	Coal Refuse
211.1190	Coating
211.1210	Coating Applicator
211.1230	Coating Line
211.1250	Coating Plant
211.1270	Coil Coating
211.1290	Coil Coating Line
211.1310	Cold Cleaning
211.1312	Combined Cycle System
211.1316	Combustion Turbine
211.1320	Commence Commercial Operation

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

211.1324	Commence Operation
211.1328	Common Stack
211.1330	Complete Combustion
211.1350	Component
211.1370	Concrete Curing Compounds
211.1390	Concentrated Nitric Acid Manufacturing Process
211.1410	Condensate
211.1430	Condensible PM-10
211.1465	Continuous Automatic Stoking
211.1467	Continuous Coater
211.1470	Continuous Process
211.1490	Control Device
211.1510	Control Device Efficiency
211.1515	Control Period
211.1520	Conventional Air Spray
211.1530	Conventional Soybean Crushing Source
211.1550	Conveyorized Degreasing
211.1570	Crude Oil
211.1590	Crude Oil Gathering
211.1610	Crushing
211.1630	Custody Transfer
211.1650	Cutback Asphalt
211.1670	Daily-Weighted Average VOM Content
211.1690	Day
211.1710	Degreaser
211.1730	Delivery Vessel
211.1750	Dip Coating
211.1770	Distillate Fuel Oil
211.1780	Distillation Unit
211.1790	Drum
211.1810	Dry Cleaning Operation or Dry Cleaning Facility
211.1830	Dump-Pit Area
211.1850	Effective Grate Area
211.1870	Effluent Water Separator
211.1875	Elastomeric Materials
211.1880	Electromagnetic Interference/Radio Frequency (EMI/RFI) Shielding Coatings
211.1885	Electronic Component
211.1890	Electrostatic Bell or Disc Spray
211.1900	Electrostatic Prep Coat
211.1910	Electrostatic Spray
211.1920	Emergency or Standby Unit
211.1930	Emission Rate
211.1950	Emission Unit
211.1970	Enamel
211.1990	Enclose
211.2010	End Sealing Compound Coat
211.2030	Enhanced Under-the-Cup Fill



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

211.2050	Ethanol Blend Gasoline
211.2070	Excess Air
211.2080	Excess Emissions
211.2090	Excessive Release
211.2110	Existing Grain-Drying Operation (Repealed)
211.2130	Existing Grain-Handling Operation (Repealed)
211.2150	Exterior Base Coat
211.2170	Exterior End Coat
211.2190	External Floating Roof
211.2210	Extreme Performance Coating
211.2230	Fabric Coating
211.2250	Fabric Coating Line
211.2270	Federally Enforceable Limitations and Conditions
211.2285	Feed Mill
211.2290	Fermentation Time
211.2300	Fill
211.2310	Final Repair Coat
211.2330	Firebox
211.2350	Fixed-Roof Tank
211.2360	Flexible Coating
211.2365	Flexible Operating Unit
211.2370	Flexographic Printing
211.2390	Flexographic Printing Line
211.2410	Floating Roof
211.2420	Fossil Fuel
211.2425	Fossil Fuel-Fired
211.2430	Fountain Solution
211.2450	Freeboard Height
211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2490	Fugitive Particulate Matter
211.2510	Full Operating Flowrate
211.2530	Gas Service
211.2550	Gas/Gas Method
211.2570	Gasoline
211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2620	Generator
211.2610	Gel Coat
211.2630	Gloss Reducers
211.2650	Grain
211.2670	Grain-Drying Operation
211.2690	Grain-Handling and Conditioning Operation
211.2710	Grain-Handling Operation
211.2730	Green-Tire Spraying
211.2750	Green Tires
211.2770	Gross Heating Value
211.2790	Gross Vehicle Weight Rating
211.2810	Heated Airless Spray
211.2815	Heat Input

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

211.2820	Heat Input Rate
211.2830	Heatset
211.2850	Heatset Web Offset Lithographic Printing Line
211.2870	Heavy Liquid
211.2890	Heavy Metals
211.2910	Heavy Off-Highway Vehicle Products
211.2930	Heavy Off-Highway Vehicle Products Coating
211.2950	Heavy Off-Highway Vehicle Products Coating Line
211.2970	High Temperature Aluminum Coating
211.2990	High Volume Low Pressure (HVLP) Spray
211.3010	Hood
211.3030	Hot Well
211.3050	Housekeeping Practices
211.3070	Incinerator
211.3090	Indirect Heat Transfer
211.3110	Ink
211.3130	In-Process Tank
211.3150	In-Situ Sampling Systems
211.3170	Interior Body Spray Coat
211.3190	Internal-Floating Roof
211.3210	Internal Transferring Area
211.3230	Lacquers
211.3250	Large Appliance
211.3270	Large Appliance Coating
211.3290	Large Appliance Coating Line
211.3310	Light Liquid
211.3330	Light-Duty Truck
211.3350	Light Oil
211.3370	Liquid/Gas Method
211.3390	Liquid-Mounted Seal
211.3410	Liquid Service
211.3430	Liquids Dripping
211.3450	Lithographic Printing Line
211.3470	Load-Out Area
211.3480	Loading Event
211.3490	Low Solvent Coating
211.3500	Lubricating Oil
211.3510	Magnet Wire
211.3530	Magnet Wire Coating
211.3550	Magnet Wire Coating Line
211.3570	Major Dump Pit
211.3590	Major Metropolitan Area (MMA)
211.3610	Major Population Area (MPA)
211.3620	Manually Operated Equipment
211.3630	Manufacturing Process
211.3650	Marine Terminal
211.3660	Marine Vessel
211.3670	Material Recovery Section

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

211.3690	Maximum Theoretical Emissions
211.3695	Maximum True Vapor Pressure
211.3710	Metal Furniture
211.3730	Metal Furniture Coating
211.3750	Metal Furniture Coating Line
211.3770	Metallic Shoe-Type Seal
211.3790	Miscellaneous Fabricated Product Manufacturing Process
211.3810	Miscellaneous Formulation Manufacturing Process
211.3830	Miscellaneous Metal Parts and Products
211.3850	Miscellaneous Metal Parts and Products Coating
211.3870	Miscellaneous Metal Parts or Products Coating Line
211.3890	Miscellaneous Organic Chemical Manufacturing Process
211.3910	Mixing Operation
211.3915	Mobile Equipment
211.3930	Monitor
211.3950	Monomer
211.3960	Motor Vehicles
211.3965	Motor Vehicle Refinishing
211.3970	Motor Vehicle Coating
211.3980	Multiple Package Capacity
211.3990	New Grain-Drying Operation (Repealed)
211.4010	New Grain-Handling Operation (Repealed)
211.4030	No Detectable Volatile Organic Material Emissions
211.4050	Non-Contact Process Water Cooling Tower
211.4055	Non-Flexible Coating
211.4065	Non-Heatset
211.4070	Offset
211.4090	One Hundred Percent Acid
211.4110	One-Turn Storage Space
211.4130	Opacity
211.4150	Opaque Stains
211.4170	Open Top Vapor Degreasing
211.4190	Open-Ended Valve
211.4210	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
211.4230	Organic Compound
211.4250	Organic Material and Organic Materials
211.4260	Organic Solvent
211.4270	Organic Vapor
211.4290	Oven
211.4310	Overall Control
211.4330	Overvarnish
211.4350	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
211.4370	Owner or Operator
211.4390	Packaging Rotogravure Printing
211.4410	Packaging Rotogravure Printing Line
211.4430	Pail

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

211.4450	Paint Manufacturing Source or Paint Manufacturing Plant
211.4470	Paper Coating
211.4490	Paper Coating Line
211.4510	Particulate Matter
211.4530	Parts Per Million (Volume) or PPM (Vol)
211.4550	Person
211.4590	Petroleum
211.4610	Petroleum Liquid
211.4630	Petroleum Refinery
211.4650	Pharmaceutical
211.4670	Pharmaceutical Coating Operation
211.4690	Photochemically Reactive Material
211.4710	Pigmented Coatings
211.4730	Plant
211.4740	Plastic Part
211.4750	Plasticizers
211.4770	PM-10
211.4790	Pneumatic Rubber Tire Manufacture
211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830	Polyester Resin Material(s)
211.4850	Polyester Resin Products Manufacturing Process
211.4870	Polystyrene Plant
211.4890	Polystyrene Resin
211.4910	Portable Grain-Handling Equipment
211.4930	Portland Cement Manufacturing Process Emission Source
211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
211.4960	Potential Electrical Output Capacity
211.4970	Potential to Emit
211.4990	Power Driven Fastener Coating
211.5010	Precoat
211.5030	Pressure Release
211.5050	Pressure Tank
211.5060	Pressure/Vacuum Relief Valve
211.5061	Pretreatment Wash Primer
211.5065	Primary Product
211.5070	Prime Coat
211.5080	Primer Sealer
211.5090	Primer Surfacer Coat
211.5110	Primer Surfacer Operation
211.5130	Primers
211.5150	Printing
211.5170	Printing Line
211.5185	Process Emission Source
211.5190	Process Emission Unit
211.5210	Process Unit
211.5230	Process Unit Shutdown
211.5245	Process Vent
211.5250	Process Weight Rate



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

211.5270 Production Equipment Exhaust System  
 211.5310 Publication Rotogravure Printing Line  
 211.5330 Purged Process Fluid  
 211.5340 Rated Heat Input Capacity  
 211.5350 Reactor  
 211.5370 Reasonably Available Control Technology (RACT)  
 211.5390 Reclamation System  
 211.5410 Refiner  
 211.5430 Refinery Fuel Gas  
 211.5450 Refinery Fuel Gas System  
 211.5470 Refinery Unit or Refinery Process Unit  
 211.5480 Reflective Argent Coating  
 211.5490 Refrigerated Condenser  
 211.5500 Regulated Air Pollutant  
 211.5510 Reid Vapor Pressure  
 211.5530 Repair  
 211.5550 Repair Coat  
 211.5570 Repaired  
 211.5580 Repowering  
 211.5590 Residual Fuel Oil  
 211.5600 Resist Coat  
 211.5610 Restricted Area  
 211.5630 Retail Outlet  
 211.5650 Ringelmann Chart  
 211.5670 Roadway  
 211.5690 Roll Coater  
 211.5710 Roll Coating  
 211.5730 Roll Printer  
 211.5750 Roll Printing  
 211.5770 Rotogravure Printing  
 211.5790 Rotogravure Printing Line  
 211.5810 Safety Relief Valve  
 211.5830 Sandblasting  
 211.5850 Sanding Sealers  
 211.5870 Screening  
 211.5890 Sealer  
 211.5910 Semi-Transparent Stains  
 211.5930 Sensor  
 211.5950 Set of Safety Relief Valves  
 211.5970 Sheet Basecoat  
 211.5980 Sheet-Fed  
 211.5990 Shotblasting  
 211.6010 Side-Seam Spray Coat  
 211.6025 Single Unit Operation  
 211.6030 Smoke  
 211.6050 Smokeless Flare  
 211.6060 Soft Coat  
 211.6070 Solvent

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

211.6090 Solvent Cleaning  
 211.6110 Solvent Recovery System  
 211.6130 Source  
 211.6140 Specialty Coatings  
 211.6145 Specialty Coatings for Motor Vehicles  
 211.6150 Specialty High Gloss Catalyzed Coating  
 211.6170 Specialty Leather  
 211.6190 Specialty Soybean Crushing Source  
 211.6210 Splash Loading  
 211.6230 Stack  
 211.6250 Stain Coating  
 211.6270 Standard Conditions  
 211.6290 Standard Cubic Foot (scf)  
 211.6310 Start-Up  
 211.6330 Stationary Emission Source  
 211.6350 Stationary Emission Unit  
 211.6355 Stationary Gas Turbine  
 211.6360 Stationary Reciprocating Internal Combustion Engine  
 211.6370 Stationary Source  
 211.6390 Stationary Storage Tank  
 211.6400 Stencil Coat  
 211.6410 Storage Tank or Storage Vessel  
 211.6420 Strippable Spray Booth Coating  
 211.6430 Styrene Devolatilizer Unit  
 211.6450 Styrene Recovery Unit  
 211.6470 Submerged Loading Pipe  
 211.6490 Substrate  
 211.6510 Sulfuric Acid Mist  
 211.6530 Surface Condenser  
 211.6540 Surface Preparation Materials  
 211.6550 Synthetic Organic Chemical or Polymer Manufacturing Plant  
 211.6570 Tablet Coating Operation  
 211.6580 Texture Coat  
 211.6590 Thirty-Day Rolling Average  
 211.6610 Three-Piece Can  
 211.6620 Three or Four Stage Coating System  
 211.6630 Through-the-Valve Fill  
 211.6650 Tooling Resin  
 211.6670 Topcoat  
 211.6690 Topcoat Operation  
 211.6695 Topcoat System  
 211.6710 Touch-Up  
 211.6720 Touch-Up Coating  
 211.6730 Transfer Efficiency  
 211.6750 Tread End Cementing  
 211.6770 True Vapor Pressure  
 211.6790 Turnaround  
 211.6810 Two-Piece Can

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R89-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590, effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 2641, effective February 7, 1997; amended in R97-17 at 21 Ill. Reg. 6489, effective May 16, 1997; amended in R97-24 at 21 Ill. Reg. 7695, effective June 9, 1997; amended in R96-17 at 21 Ill. Reg. 7856, effective June 17, 1997; amended in R97-31 at 22 Ill. Reg. 3497, effective February 2, 1998; amended in R98-17 at 22 Ill. Reg. 11405, effective June 22, 1998; amended in R01-09 at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

SUBPART A: GENERAL PROVISIONS

Section 211.102 Abbreviations and Conversion Factors

a) Abbreviations used in this part include the following:

ASTM	American Society for Testing and Materials
bbl	Barrels (42 gallons)
btu	British thermal units (60° F)
btu/hr	btu per hour

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.6830	Under-the-Cup Fill
211.6850	Undertread Cementing
211.6860	Uniform Finish Blender
211.6870	Unregulated Safety Relief Valve
211.6880	Vacuum Metallizing
211.6890	Vacuum Producing System
211.6910	Vacuum Service
211.6930	Valves Not Externally Regulated
211.6950	Vapor Balance System
211.6970	Vapor Collection System
211.6990	Vapor Control System
211.7010	Vapor-Mounted Primary Seal
211.7030	Vapor Recovery System
211.7050	Vapor-Suppressed Polyester Resin
211.7070	Vinyl Coating
211.7090	Vinyl Coating Line
211.7110	Volatile Organic Liquid (VOL)
211.7130	Volatile Organic Material Content (VOMC)
211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170	Volatile Petroleum Liquid
211.7190	Wash Coat
211.7200	Washoff Operations
211.7210	Wastewater (Oil/Water) Separator
211.7230	Weak Nitric Acid Manufacturing Process
211.7250	Web
211.7270	Wholesale Purchase - Consumer
211.7290	Wood Furniture
211.7310	Wood Furniture Coating
211.7330	Wood Furniture Coating Line
211.7350	Woodworking
211.7400	Yeast Percentage

APPENDIX A Rule into Section Table

APPENDIX B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act (415 ILCS 5/9, 9.1, 9.9, 10, 27 and 28.5).

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, P. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, P. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14,



## POLLUTION CONTROL BOARD

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

° C	degrees Celsius or Centigrade
CAAPP	Clean Air Act Permit Program
cm	centimeters
cu in	cubic inches
ECU	Electrical Generating Unit
° F	degrees Fahrenheit
FIP	Federal Implementation Plan
ft	feet
ft(2)	square feet
ft(3)	cubic feet
g	grams
gpm	gallons per minute
g/mole	grams per mole
gal	gallons
hp	horsepower
hr	hours
in	inch
° K	degrees Kelvin
kcal	kilocalories
kg	kilograms
kg/hr	kilograms per hour
kPa	kilopascals; one thousand newtons per square meter
kW	kilowatt
l	liters
l/sec	liters per second
lbs	pounds
lbs/day	pounds per day
lbs/hr	pounds per hour
lbs/gal	pounds per gallon
lbs/yr	pounds per year
LEL	lower explosive limit
m	meters
m(2)	square meters
m(3)	cubic meters
mg	milligrams
Mg	Megagrams, metric tons or tonnes
ml	milliliters
min	minutes
MJ	megajoules
mmbtu	million British thermal units
mmbtu/hr	million British thermal units per hour
mmHg	millimeters of mercury
MTE	maximum theoretical emissions
MWe	megawatt of electricity
MW	megawatt; one million watts
MW-hr	megawatt per hour
NDO	natural draft opening

NO(x) <sub>hex</sub>	nitrogen oxides
peoc	potential electrical output capacity
ppm(vol)	parts per million
ppmv	parts per million by volume
ppmvd	parts per million by volume dry
psi	pounds per square inch
psia	pounds per square inch absolute
psig	pounds per square inch gauge
pTE	potential to emit
RACT	reasonably available control technology
scf	standard cubic feet
scm	standard cubic meters
sec	seconds
SIP	State Implementation Plan
TTE	temporary total enclosure
sq cm	square centimeters
sq in	square inches
T	short ton (2,000 lbs)
ton	short ton (2,000 lbs)
TPY	tons per year
USEPA	United States Environmental Protection Agency
VOC	volatile organic compounds
VOL	volatile organic liquids
VOM	volatile organic materials

b) The following conversion factors have been used in this part:

English	Metric
1 gal	3.785 l
1,000 gal	3,785 l or 3.785 m(3)
1 psia	6.897kPa(51.71 mmHg)
2,205 lbs	1 kg
32° F	0° C(273.15° K)
1 bbl	159.0 l
1 cu in	16.39 ml
1 lb/gal	119,800 mg/l
1 lb/mmbtu	1.548 kg/MW-hr
1 lb/T	0.500 kg/Mg
1 ton	0.907 Mg
1 T	0.907 Mg
mmbtu/hr	0.293 MW

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART B: DEFINITIONS

Section 211.479 Allowance

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

"Allowance" means an authorization to emit up to one ton of NO[x] during the control period of a specified year or any year thereafter under 35 Ill. Adm. Code 217 and 40 CFR part 96.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 211.1312 Combined Cycle System

"Combined Cycle System" means a system comprised of one or more combustion turbines, heat recovery steam generators, and steam turbines configured to improve overall efficiency of electricity generation or steam production.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 211.1316 Combustion Turbine

"Combustion Turbine" means an enclosed fossil or other fuel-fired device that is comprised of a compressor, a combustor, and a turbine, and in which the flue gas resulting from the combustion of fuel in the combustor passes through the turbine, rotating the turbine.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 211.1320 Commence Commercial Operation

For purposes of 35 Ill. Adm. Code 217, "commence commercial operation" means, with regard to an EGU that serves a generator, to have begun to produce steam, gas, or other heated medium used to generate electricity for sale or use, including test generation. Such date shall remain the unit's date of commencement of operation even if the EGU is subsequently modified, reconstructed or repowered.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 211.1324 Commence Operation

For purposes of 35 Ill. Adm. Code 217, "commence operation" means with regard to a stationary boiler, combustion turbine, or combined cycle system, to have begun any mechanical, chemical, or electronic process, including, start-up of the unit's combustion chamber. Such date shall remain the unit's date of commencement of operation even if the unit is subsequently modified, reconstructed, or repowered.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

\_\_\_\_\_)

Section 211.1328 Common Stack

"Common stack" means a single flue through which emissions from two or more units are exhausted.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 211.1515 Control Period

For purposes of 35 Ill. Adm. Code 217, "control period" means the period beginning May 1 of a year and ending on September 30 of the same year, inclusive.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 211.2080 Excess Emissions

"Excess emissions" means any tonnage of NO[x] emitted by a NO[x] budget unit during a control period that exceeds the NO[x] allowances available for compliance deduction for the unit and for a control period.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 211.2420 Fossil Fuel

"Fossil fuel" means natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from such material.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 211.2425 Fossil Fuel-Fired

"Fossil fuel-fired" means the combustion of fossil fuel, alone or in combination with any other fuel, where fossil fuel actually combusted comprises or is projected to comprise more than 50 percent of the annual heat input on a btu basis during any year.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 211.2620 Generator



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waste reduction, or any other replacement generation technology as determined by the Illinois Environmental Protection Agency. Repowering shall be considered a control technology for purposes of 35 Ill. Adm. Code 217.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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"Generator" means a device that produces electricity.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 211.2815 Heat Input

"Heat input" means the product of the gross heating value of the fuel and the amount of fuel combusted in a combustion device. Heat input does not include the heat derived from preheated combustion air, recirculated flue gases, or exhaust from other sources.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 211.2820 Heat Input Rate

"Heat input rate" means the amount of heat input used by a combustion device, divided by its operating time (in hrs).

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 211.3980 Nameplate Capacity

"Nameplate capacity" means the maximum electrical generating output (in MWe) that a generator can sustain over a specified period of time when not restricted by seasonal or other deratings as measured in accordance with the United States Department of Energy standards.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 211.4960 Potential Electrical Output Capacity

"Potential electrical output capacity" means the MWe capacity rating for the units which shall be equal to 33% of the maximum design heat input capacity of the steam generating unit.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 211.5580 Repowering

For purposes of 35 Ill. Adm. Code 217, Subpart W, "repowering" means the conversion or replacement of an existing budget EGU, as identified in Appendix F, with a technology capable of controlling NO[x] and other combustion emissions simultaneously with improved boiler or generation efficiency and with

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1) Heading of the Part: Nitrogen Oxides Emissions2) Code Citation: 35 Ill. Adm. Code 2173) Section Number: Proposed Action:

217.100	Amend
217.101	Amend
217.102	Amend
217.104	Amend
217.750	New
217.752	New
217.754	New
217.756	New
217.758	New
217.760	New
217.762	New
217.764	New
217.768	New
217.770	New
217.774	New
217.776	New
217.778	New
217.780	New
217.782	New
APPENDIX D	New
APPENDIX F	New

4) Statutory Authority: Implementing Sections 9.9 and 10 and authorized by Sections 27 and 28.5 of the Illinois Environmental Protection Act [415 ILCS 5/9.9, 10 and 27]

5) A Complete Description of the Subjects and Issues Involved: This rulemaking is explained in more detail in the Board's opinion and order of July 13, 2000, R01-9, available from the address in item 11 below. The rulemaking was initiated by a proposal filed by the Illinois Environmental Protection Agency under the fast-track rulemaking provision of Section 28.5 of the Environmental Protection Act. In summary, these amendments are proposed to control the emissions of nitrogen oxides (NOX) from fossil fuel-fired electrical generating units (EGUs) during the period May 1 through September 30 of each year, beginning in 2003. The proposed amendments are intended to meet several obligations of the State of Illinois under the Clean Air Act, 42 U.S.C. 7401 et seq. (CAA), including: the obligation to submit control strategies necessary to demonstrate attainment of the 1-hour ozone National Ambient Air Quality Standard (NAAQS) for the Metro-East/St. Louis moderate ozone nonattainment area (NAA); the obligation to submit control strategies necessary to demonstrate attainment of the 1-hour ozone NAAQS for the Chicago severe ozone NAA; and to satisfy a portion of the Illinois92 obligation to

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submit a State Implementation Plan (SIP) to address the requirements of the so-called NOX SIP Call, 63 Fed. Reg. 57,356 (October 27, 1998), by implementing the NOX Trading Program, 40 CFR part 96, and determining source NOX allowance allocations for EGUs as part of that program; and to meet the applicable requirements of Section 9.9 of the Act. Included in this proposal are New 35 Ill. Adm. Code 217, Subpart W, the NOX Trading Program For Electrical Generating Units, and Amendments to Parts 211 and 217. This rulemaking proposes to add the NOX Trading Program for Electrical Generating Units, 35 Ill. Adm. Code 217, Subpart W and also add conforming amendments to 35 Ill. Adm. Code 217.

6) Will this proposed amendment replace an emergency amendment currently in effects? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do this proposed amendments contain incorporation by reference? Yes. The proposed amendments add a number of updated references to federal documents.

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed amendments are proposed under the authority of Section 5/9.9, 27, and 28.5 of the Illinois Environmental Protection Act. The amendments proposed by the Pollution Control Board (Board) are required to be adopted by the State under Clean Air Act Sections 110(a), 172(b), 182(b)(1)(A), 182(c)(2)(A), and 182(g)(1). 42 U.S.C. Sections 7401(a), 7502(b), 7511a(b)(1)(A), 7511a(c)(2)(A), and 7511a(g)(1). These amendments will become part of the State Implementation Plan (SIP) to be submitted to the United States Environmental Protection Agency for approval, as follows: as part of the attainment demonstrations for the Metro-East/St. Louis ozone nonattainment area and the Chicago ozone nonattainment area; to satisfy a portion of the requirements of the so-called NOX SIP Call, 63 Fed. Reg. 57,356 (Oct. 27, 1998); and to meet the requirements of Section 9.9 of the Act by implementing the federal NOX Trading Program for Electrical Generating Units.

These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3 (1992)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R01-9 and be addressed to:

Dorothy M. Gunn, Clerk



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Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph St.  
Suite 11-500  
Chicago, IL 60601

Address all questions to Catherine Glenn, at 312-814-6923  
glenn@ipcb.state.il.us

The Board will also accept comment at hearings scheduled for the following dates:

August 28, 2000, at 1:00 p.m.  
City Hall Chambers  
Municipal Center West  
300 South Seventh Street  
Springfield IL 62757

September 26, 2000, at 9:30 a.m.  
James R. Thompson Center  
Room 9-031  
100 West Randolph Street  
Chicago, Illinois 60601

October 10, 2000, at 1:00 p.m. (if necessary)  
James R. Thompson Center  
Illinois Pollution Control Board Hearing Room  
11th Floor  
100 West Randolph Street  
Chicago, Illinois 60601

Request copies of the Board's opinion and order in Docket R01-9 from Patricia Jones, at 312-814-3620, or download from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

## 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: The proposed amendments will affect those small businesses that own or operate fossil fuel-fired electrical generating units (EGUs). The additional requirements are however identical to those mandated by federal law.

B) Reporting, bookkeeping or other procedures required for compliance: The proposed amendments require the owner or operator of a unit subject to the rule, and the account representative for the unit under the federal NOX Trading Program (40 CFR part 96), to keep a copy of the following documents for a period of five years: the account certificate of representation; all emissions monitoring information,

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in accordance with 40 CFR part 96, Subpart H; copies of all reports, compliance certifications; other records to demonstrate compliance with the requirements of the NOX Trading Program; and copies of all documents used to complete a budget permit application pursuant to 40 CFR part 96. The proposed amendments require the owner or operator of a unit subject to the rule, and the account representative for the unit under the federal NOX Trading Program (40 CFR part 96), to submit to the Illinois EPA and USEPA the reports and compliance certifications required under the federal NOX Trading Program pursuant to 40 CFR part 96, subparts D and H.

C) Types of professional skills necessary for compliance: No professional skills beyond those currently required by the existing state and federal air pollution control regulations applicable to affected sources will be required.

13) Regulatory agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION  
 SUBTITLE B: AIR POLLUTION  
 CHAPTER I: POLLUTION CONTROL BOARD  
 SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS  
 FOR STATIONARY SOURCES

## PART 217

## NITROGEN OXIDES EMISSIONS

## SUBPART A: GENERAL PROVISIONS

Section  
 217.100 Scope and Organization  
 217.101 Measurement Methods  
 217.102 Abbreviations and Units  
 217.103 Definitions  
 217.104 Incorporations by Reference

## SUBPART B: NEW FUEL COMBUSTION EMISSION SOURCES

Section  
 217.121 New Emission Sources

## SUBPART C: EXISTING FUEL COMBUSTION EMISSION SOURCES

Section  
 217.141 Existing Emission Sources in Major Metropolitan Areas

## SUBPART K: PROCESS EMISSION SOURCES

Section  
 217.301 Industrial Processes

## SUBPART O: CHEMICAL MANUFACTURE

Section  
 217.381 Nitric Acid Manufacturing Processes

## SUBPART V: ELECTRIC POWER GENERATION

Section  
 217.521 Lake of Egypt Power Plant

## SUBPART W: NO[x] TRADING PROGRAM FOR ELECTRICAL GENERATING UNITS

Section  
 217.750 Purpose

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217.752 Severability  
 217.754 Applicability  
 217.756 Compliance Requirements  
 217.758 Permitting Requirements  
 217.760 NO[x] Trading Budget  
 217.762 Methodology for Calculating NO[x] Allocations for Budget Electrical Generating Units ("EGUs")

217.764 NO[x] Allocations for EGUs

217.768 New Source Set-Asides for "New" Budget EGUs

217.770 Early Reduction Credits for Budget EGUs

217.774 Opt-in Units

217.776 Opt-in Process

217.778 Budget Opt-in Units: Withdrawal from the NO[x] Trading Program

217.780 Opt-in Units: Change in Regulatory Status

217.782 Allowance Allocations to Budget Opt-in Units

## APPENDIX A

Rule into Section Table

## APPENDIX B

Section into Rule Table

## APPENDIX C

Compliance Dates

## APPENDIX D

Non-Electrical Generating Units

## APPENDIX E

Allowances for Electrical Generating Units

AUTHORITY: Implementing Sections 9.9 and 10 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/9.9, 10 and 27.]

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 207: Nitrogen Oxides Emissions, R71-23, 4 PCB 191, April 13, 1972, filed and effective April 14, 1972; amended at 2 Ill. Reg. 17, p. 101, effective April 13, 1978; codified at 7 Ill. Reg. 13609; amended in R01-9 at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets, and SUM means the summation series or sigma function as used in mathematics.

## SUBPART A: GENERAL PROVISIONS

## Section 217.100 Scope and Organization

- a) This Part sets standards and limitations for emission of oxides of nitrogen from stationary sources.
- b) Permits for sources subject to this Part may be required pursuant to 35 Ill. Adm. Code 201.
- c) Notwithstanding the provisions of this Part the air quality standards contained in 35 Ill. Adm. Code 243 may not be violated.
- d) This Part is divided into Subparts which are grouped as follows:
  - 1) Subpart A:--General Provisions



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- 2) Subparts-B-J:--Fuel-Combustion-Sources-and-Incinerators;  
 3) Subparts-K-M:--Process-Emission-Sources;  
 4) Subparts-N-End:--Industry-and-Site-Specific-Rules;  
 d) These rules have been grouped for convenience of the public; the scope of each is determined by its language and history.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 217.101 Measurement Methods

Measurement of nitrogen oxides shall be according to:

- a) The the phenol disulfonic acid method as published in 40 CFR 60, Appendix A, 36-Fed-Reg-157718, Method 7 (1999); and  
 b) Continuous emissions monitoring pursuant to 40 CFR 75 (1999).

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 217.102 Abbreviations and Units

- a) The following abbreviations are used in this Part:

btu	British thermal unit (60° F)
EGU	Electrical Generating Unit
kg	kilogram
kg/MW-hr	kilograms per megawatt-hour, usually used as an hourly emission rate
lb	pound
NO <sub>x</sub>	Nitrogen Oxides
lbs/mmBtu	pounds per million Btu, usually used as an hourly emission rate
Mg	megagram or metric tonne
mmBtu	million British thermal units
mmBtu/hr	million British thermal units per hour
MWe	megawatt of electricity
MW	megawatt; one million watts
MW-hr	megawatt-hour
peoc	potential electrical output capacity
ppm	parts per million
ppmv	parts per million by volume
T	English ton

- b) The following conversion factors have been used in this Part:

English	Metric
2.205 lb	1 kg

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- 1 T 0.907 Mg  
 1 lb/T 0.500 kg/Mg  
 mmBtu/hr 0.293 MW  
 1 lb/mmBtu 1.548 kg/MW-hr

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 217.104 Incorporations by Reference

The following materials are incorporated by reference. These incorporations do not include any later amendments or editions.

- a) The the phenol disulfonic acid method, as published in 40 CFR 60, Appendix A, 36-Fed-Reg-157718, Method 7 (1999);  
 b) 40 CFR 96, Subparts B, D, G and H (1999);  
 c) 40 CFR 96.1 through 96.3, 96.5 through 96.7, 96.50 through 96.54, 96.55(a) & (b), 96.56 and 96.57 (1999); and  
 d) 40 CFR 72, 75 & 76 (1999).

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART W: NO<sub>x</sub> TRADING PROGRAM FOR ELECTRICAL GENERATING UNITS

## Section 217.750 Purpose

The purpose of this Subpart is to control the emissions of nitrogen oxides (NO<sub>x</sub>) during the ozone control period (May 1 through September 30 of each year) from electrical generating units (EGUs) by determining source allocations and implementing the NO<sub>x</sub> Trading Program pursuant to 40 CFR 96, as authorized by Section 9.9 of the Act. [415 ILCS 5/9.9].

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 217.752 Severability

If any Section, subsection or clause of this Subpart is found invalid, such finding shall not affect the validity of this Subpart as a whole or any Section, sentence or clause not found invalid.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 217.754 Applicability

- a) The following fossil fuel-fired stationary boilers, combustion

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turbines or combined cycle systems are electrical generating units (EGUs) and are subject to this Subpart:

- 1) Any unit serving a generator that has a nameplate capacity greater than 25 MWe and produces electricity for sale, excluding those units listed in Appendix D of this Part.
  - 2) Any unit with a maximum design heat input that is greater than 250 mmbtu/hr that commences operation on or after January 1, 1999, serving at any time a generator that has a nameplate capacity of 25 MWe or less and has the potential to use more than 50% of the potential electrical output capacity of the unit. Fifty percent (50%) of a unit's potential electrical output capacity shall be determined by multiplying the unit's maximum design heat input by 0.0488 MWe/mmbtu. If the size of the generator is greater than this calculated number, the unit is an EGU subject to the provisions of this Subpart.
- b) Those units that meet the above criteria and are subject to the NO(x) Trading Program emissions limitations contained in this Subpart are budget EGUs.
- c) Low-emitter status: Notwithstanding subsection (a) of this Section, the owner or operator of a budget EGU under subsection (a) of this Section may elect low-emitter status by obtaining a permit with federally enforceable conditions meeting the requirements of subsection (c)(1) of this Section. Starting with the effective date of such permit, the EGU shall not be a budget EGU and shall be subject only to the requirements of this subsection.
- 1) For each control period under subsection (c) of this Section, the federally enforceable permit conditions must:
- A) Restrict the EGU to burning only natural gas, fuel oil, or natural gas and fuel oil;
  - B) Limit the EGU's potential NO(x) mass emissions for the control period to 25 tons or less;
  - C) Restrict the EGU's operating hours during the control period to the number calculated by dividing 25 tons of potential NO(x) mass emissions by the EGU's maximum potential hourly NO(x) mass emissions;
  - D) Require that the EGU's potential NO(x) mass emissions be calculated by using the monitoring provisions of 40 CFR 75 or if the EGU does not rely on these monitoring provisions, by using the applicable default rate, as follows:
    - i) Select the applicable default NO(x) emission rate from one of the following: 0.7 lb/mmbtu for combustion turbines burning natural gas exclusively during the control period; 1.2 lbs/mmbtu for combustion turbines burning any fuel oil during the control period; 1.5 lbs/mmbtu for boilers burning natural gas exclusively during the control period; or 2 lbs/mmbtu for boilers burning any fuel oil during the control period.
    - ii) Multiply the default NO(x) emission rate under

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subsection (c)(1)(D)(i) of this Section by the EGU's unit-specific maximum rated heat input (mmbtu) which is the higher of the manufacturer's maximum rated hourly heat input or the highest observed hourly heat input. The owner or operator of the EGU may request in the permit application required by this subsection that the Agency use a lower value for the EGU's maximum rated hourly heat input. The Agency may approve such lower value if the owner or operator demonstrates that the maximum hourly heat input specified by the manufacturer or the highest observed hourly heat input, or both, are not representative. The owner or operator must also demonstrate that such lower value is representative of the EGU's current capabilities because modifications have been made to the EGU that permanently limit the EGU's capacity;

- E) Require that the owner or operator of the EGU retain for five years at the source that includes the EGU, records demonstrating that the operating hours restriction, the fuel use restriction, and the other requirements of the permit related to these restrictions were met; and
  - F) Require that the owner or operator of the EGU report to the Agency the EGU's hours of operation (treating any partial hour of operation as a whole hour of operation), heat input, and fuel use by type during each control period. This report shall be submitted by November 1 of each year the EGU elects low-emitter status.
- 2) The Agency will notify USEPA in writing of each EGU electing low-emitter status pursuant to the requirements of subsection (c)(1) of this Section and when any of the following occurs:
- A) The permit with federally enforceable conditions that includes the restrictions in subsection (c)(1) of this Section is issued by the Agency;
  - B) Such permit is revised to remove any such restriction;
  - C) Such permit includes any such restriction that is no longer applicable; or
  - D) The EGU does not comply with any such restriction.
- 3) The EGU shall become a budget EGU, subject to the requirements of this Subpart, if, for any control period under subsection (c) of this Section, the fuel use restriction or the operating hours restriction under subsection (c)(1) of this Section is removed from the EGU's permit or otherwise becomes no longer applicable, or the EGU does not comply with the fuel use restriction or the operating hours restriction under subsection (c)(1) of this Section. Such EGU shall be treated as commencing operation and, for a unit under subsection (a)(1) of this Section, commencing commercial operation, on September 30 of the year prior to the control period for which the fuel use restriction or the



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operating hours restriction is no longer applicable or during which the EGU does not comply with the fuel use restriction or the operating hours restriction.

- 4) The owner or operator of an EGU to which the Agency has ever allocated allowances may elect low-emitter status. In that case, the Agency will reduce the EGU trading budget by the number of allowances corresponding to the amount of NO<sub>x</sub> emissions the EGU is permitted to emit during the control period as set forth in the EGU's federally enforceable state operating permit.

- d) Notwithstanding the provisions in subsection (a) of this Section, allowances may opt- into the NO<sub>x</sub> Trading Program and will receive allowance allocations consistent with applicable requirements, if they meet the requirements for a budget opt-in unit pursuant to Sections 217.774 through 217.782 of this Part.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 217.756 Compliance Requirements

All EGUs subject to the requirements of this Subpart must comply with the following:

- a) The requirements of this Subpart and 40 CFR 96 (excluding 40 CFR 96.4(b), 96.55(c), and excluding 40 CFR 96, Subparts C, E, and I) as incorporated by reference in Section 217.104 of this Part.

- b) Permit requirements:

- 1) The owner or operator of each source with one or more budget EGUs at the source must apply for a permit issued by the Agency with federally enforceable conditions covering the NO<sub>x</sub> Trading Program ("budget permit") that complies with the requirements of Section 217.758 of this Part.

- 2) The owner or operator of each budget source and each budget EGU at the source must operate the budget EGU in compliance with such budget permit.

- c) Monitoring requirements:

- 1) The owner or operator of each budget source and each budget EGU at the source must comply with the monitoring requirements of 40 CFR 96, Subpart H. The account representative of each budget source and each budget EGU at the source must comply with those sections of the monitoring requirements of 40 CFR 96, Subpart H, applicable to an account representative.

- 2) The compliance of each budget EGU with the budget emissions limitation under subsection (d) of this Section shall be determined by the emissions measurements recorded and reported in accordance with 40 CFR 96, Subpart H.

- d) NO<sub>x</sub> requirements:

- 1) By November 30 of each year, the allowance transfer deadline, the account representative of each budget source and each budget EGU

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at the source shall hold allowances available for compliance deductions under 40 CFR 96.54 in the budget EGU's compliance account or the source's overdraft account. The number of allowances held shall not be less than the budget EGU's total tons of NO<sub>x</sub> emissions for the control period, rounded to the nearest whole ton, as determined in accordance with 40 CFR 96, Subpart H, plus any number necessary to account for actual utilization (e.g., for testing, start-up, malfunction, and shut down) under 40 CFR 96.42(e) for the control period.

- 2) Each ton of NO<sub>x</sub> emitted in excess of the number of NO<sub>x</sub> allowances held by the owner or operator for each budget EGU for each control period shall constitute a separate violation of this Part and the Act.

- 3) A budget EGU shall be subject to the monitoring and NO<sub>x</sub> requirements of subsections (c)(1) and (d)(1) of this Section starting on the later of May 1, 2003, the date on which the EGU commences or the first day of the control season subsequent to the calendar year in which all of the other states subject to the provisions of the NO<sub>x</sub> SIP Call [63 Fed. Reg. 57355 (October 27, 1998)] that are located in USEPA Region V or that are contiguous to Illinois have adopted regulations to implement NO<sub>x</sub> Trading Programs and other required reductions of NO<sub>x</sub> emissions pursuant to the NO<sub>x</sub> SIP Call, and such regulations have received final approval by USEPA as part of the respective states' SIPs for ozone, or a final FIP for ozone promulgated by USEPA is effective.

- 4) Allowances shall be held in, deducted from, or transferred among allowance accounts in accordance with this Subpart and 40 CFR 96, Subparts F and G, and Sections 217.774 through 217.782 of this Part.

- 5) In order to comply with the requirements of subsection (d)(1) of this Section, an allowance may not be utilized for a control period in a year prior to the year for which the allowance is allocated.

- 6) An allowance allocated by the Agency or USEPA under the NO<sub>x</sub> Trading Program is a limited authorization to emit one ton of NO<sub>x</sub> in accordance with the NO<sub>x</sub> Trading Program. No provision of the NO<sub>x</sub> Trading Program, the budget permit application, the budget permit, or a retired unit exemption under 40 CFR 96.5, and no provision of law shall be construed to limit the authority of the United States or the State to terminate or limit this authorization.

- 7) An allowance allocated by the Agency or USEPA under the NO<sub>x</sub> Trading Program does not constitute a property right.

- 8) Upon recordation by USEPA under 40 CFR 96, Subpart F or G, or Section 217.782 of this Part, every allocation, transfer, or deduction of an allowance to or from a budget EGU's compliance account or to or from the overdraft account of the budget source

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where the budget EGU is located is deemed to amend automatically, and become a part of, any budget permit of the budget EGU. This automatic amendment of the budget permit shall be deemed an operation of law and will not require any further review.

## e) Recordkeeping and reporting requirements:

- 1) Unless otherwise provided, the owner or operator of the budget source and each budget EGU at the source shall keep on site at the source each of the documents listed in subsections (e)(1)(A) through (e)(1)(D) of this Section for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the Agency or USEPA.

A) The account certificate of representation of the account representative for the source and each budget EGU at the source, all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 40 CFR 96.13, provided that the certificate and documents must be retained on site at the source beyond such five-year period until such documents are superseded because of the submission of a new account certificate of representation changing the account representative.

B) All emissions monitoring information, in accordance with 40 CFR 96, Subpart H, provided that to the extent that 40 CFR 96, Subpart H provides for a three-year period for recordkeeping, the three-year period shall apply.

C) Copies of all reports, compliance certifications, and other submissions and all records made or required under the NO[x] Trading Program or documents necessary to demonstrate compliance with the requirements of the NO[x] Trading Program.

D) Copies of all documents used to complete a budget permit application and any other submission under the NO[x] Trading Program.

2) The account representative of a budget source and each budget EGU at the source must submit to the Agency and USEPA the reports and compliance certifications required under the NO[x] Trading Program, including those under 40 part 96, Subparts D and H, and Section 217.774 of this Part.

## f) Liability:

1) No revision of a permit for a budget EGU shall excuse any violation of the requirements of the NO[x] Trading Program that occurs prior to the date that the revision to such budget permit takes effect.

2) Each budget source and each budget EGU shall meet the requirements of the NO[x] Trading Program.

3) Any provision of the NO[x] Trading Program that applies to a budget source (including any provision applicable to the account representative of a budget source) shall also apply to the owner

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and operator of such budget source and to the owner and operator of each budget EGU at the source.

4) Any provision of the NO[x] Trading Program that applies to a budget EGU (including any provision applicable to the account representative of a budget EGU) shall also apply to the owner and operator of such budget EGU. Except with regard to the requirements applicable to budget EGUs with a common stack under 40 CFR 96, Subpart H, the owner and operator and the account representative of one budget EGU shall not be liable for any violation by any other budget EGU of which they are not an owner or operator or the account representative.

5) Excess emissions requirements. The account representative of a budget EGU that has excess emissions in any control period shall:

- A) Surrender the allowances as required for deduction under 40 CFR 96.54(d)(1); and

- B) Pay any fine, penalty, or assessment or comply with any other remedy imposed under 40 CFR 96.54(d)(3) and the Act.

g) Effect on other authorities. No provision of the NO[x] Trading Program, a budget permit application, a budget permit, a low-emitter exemption under 40 CFR 96.4(b), or a retired unit exemption under 40 CFR 96.5 shall be construed as exempting or excluding the owner and operator and, to the extent applicable, the account representative of a budget source or budget EGU, from compliance with any other regulation promulgated under the CAA, the Act, an approved State implementation plan, or a federally enforceable permit.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 217.758 Permitting Requirements

a) Budget permit requirements:

- 1) Each source with a budget EGU is required to submit a complete permit application addressing all applicable NO[x] Trading Program requirements for a permit meeting the requirements of this Section, applicable to each budget EGU at the source. Each budget permit (including any draft or proposed budget permit, if applicable) will contain elements required for a complete budget permit application under subsection (b)(2) of this Section.

- 2) Each budget permit (including a draft or proposed budget permit, if applicable) shall contain federally enforceable conditions addressing all applicable NO[x] Trading Program requirements and shall be a complete and segregable portion of the source's entire permit under subsection (a)(1) of this Section.

- 3) No budget permit shall be issued, and no NO[x] allowance account shall be established for a budget EGU at a source, until the Agency and USEPA have received a complete account certificate of representation under 40 CFR 96, Subpart B, for an account



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- representative of the source and the budget EGU at the source.
- 4) For budget EGUs that commenced operation before November 1, 2002, and for which a CAAPP permit is not required pursuant to Section 39.5 of the Act, the owner or operator of such unit must submit a budget permit application meeting the requirements of this Section on or before November 1, 2002.
- 5) For budget EGUs that commenced operation before August 1, 2002, and for which a CAAPP permit is required pursuant to Section 39.5 of the Act, the owner or operator of such unit must submit a budget permit application meeting the requirements of this Section on or before August 1, 2002.
- 6) For budget EGUs that are subject to Section 39.5 of the Act and that commence operation on or after August 1, 2002, and for budget EGUs not subject to Section 39.5 of the Act and that commence operation on or after November 1, 2002, the owner or operator of such units must submit applications for construction and operating permits pursuant to the requirements of Sections 39 and 39.5 of the Act and 35 Ill. Adm. Code 201 and such applications must specify that they are applying for budget permits, and must address the budget permit application requirements of this Section.
- b) Budget permit applications:
- 1) Duty to apply. The owner or operator of any source with one or more budget EGUs shall submit to the Agency a complete budget permit application for the source under subsection (b)(2) of this Section by the applicable deadline in subsection (a)(4), (a)(5), or (a)(6) of this Section. The owner or operator of any source with one or more budget EGUs shall reapply for a budget permit for the source as required by this Subpart, 35 Ill. Adm. Code 201, and Sections 39 and 39.5 of the Act.
  - 2) Information requirements for budget permit applications. A complete budget permit application shall include the following elements concerning the source for which the application is submitted:
    - A) Identification of the source, including plant name. The ORIS (Office of Regulatory Information Systems) or facility code assigned to the source by the Energy Information Administration shall also be included, if applicable;
    - B) Identification of each budget EGU at the source. An explanation whether each EGU is a budget EGU under Section 217.754 or 217.774 of this Part;
    - C) The compliance requirements of Section 217.756 of this Part; and
    - D) For each opt-in unit at the source the following certification statements by the account representative:
      - i) "I certify that each unit for which this permit application is submitted under Section 217.774 of this Part is not a budget EGU under Section 217.754 of this

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Part and is not covered by a retired unit exemption that is in effect under 40 CFR 96.5."

i) If the application is for an initial budget permit, "I certify that each unit for which this permit application is submitted under Section 217.774 of this Part, and has documented heat input for more than 876 hours in the six months immediately preceding the submission of an application for an initial budget permit under Section 217.774(d) of this Part."

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 217.760 NO[x] Trading Budget**

The NO[x] trading budget available for allowance allocations for each control period shall be determined as follows:

- a) The total base EGU trading budget is 30,701 tons per control period subject, however, to the following:
  - 1) In 2003 through 2005, 5% of this number shall be allocated to the new source set-aside under Section 217.768 of this Part, resulting in an EGU trading budget of 29,166 tons available for allocation per control period; and
  - 2) In 2006 and thereafter, 2% of this amount shall be allocated to the new source set-aside, resulting in an EGU trading budget of 30,087 tons available for allocation per control period.
- b) The Agency may adjust the total base EGU trading budget available for allocation in subsection (a) of this Section to remove allowances from budget EGUs opting to become exempt pursuant to the requirements for low-emitters in Section 217.754(c)(4) of this Part.
- c) If US EPA adjusts the total base EGU trading budget for any reason, the Agency will adjust the budget pro-rata.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 217.762 Methodology for Calculating NO[x] Allocations for Budget Electrical Generating Units("EGUs")**

The methodology for calculating the allowances to be allocated to budget EGUs is based on the following emission rates and heat inputs:

- a) The applicable NO[x] emission rates are as follows:
  - 1) For budget EGUs listed in Appendix F: 0.15 lb/mmBtu.
  - 2) For budget EGUs not listed in Appendix F: The more stringent of 0.15 lb/mmBtu or the permitted NO[x] emission rate, but not less than 0.055 lb/mmBtu.
- b) Heat input (HI) (in mmBtu/control period) is determined as follows:
  - 1) The budget EGU's two highest heat inputs from the control periods



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- a) In 2003, 2004, and 2005 (or the first three years of the program):
- 1) The Agency will allocate to each budget EGU that is listed in Appendix F of this Part the number of allowances listed in Column 7 of Appendix F of this Part for that budget EGU, as well as any allowances that are not allocated from the new source set-aside to budget EGUs in subsection (a)(2) of this Section. Any such allowances from the new source set-aside will be allocated to budget EGUs listed in Appendix F of this Part pursuant to 217.768(j) of this Part.
  - 2) The Agency will allocate allowances from the new source set-aside to budget EGUs that commenced commercial operation on or after January 1, 1995, pursuant to Section 217.768 of this Part.
  - 3) The Agency will report these allocations to USEPA at the time it submits the SIP.
- b) In 2006 (or the fourth year of the program):
- 1) The Agency will allocate to each budget EGU that is listed in Appendix F of this Part, the number of allowances listed in Column 8 of Appendix F for that budget EGU, and any allowances that are not allocated to budget EGUs under subsection (b)(2) of this Section will be allocated as provided in subsection (b)(4) of this Section.
  - 2) The Agency will apportion to each budget EGU that commenced commercial operation on or after January 1, 1995, and before May 1, 2002, allowances as calculated in Equation 1 as follows:

$$\text{Eq. 1: } A = 0.80 \times (HI \times ER) / 2000$$

Where:

HI = heat input (in mmbtu/control period) as determined in Section 217.762(b) of this Part.

ER = the NO[x] emission rate in lbs/mmbtu, as determined in Section 217.762(a)(2) of this Part.

A = allowances of NO[x]/control period.

- 3) Notwithstanding subsection (b)(2) of this Section, if the total number of allowances determined by subsection (b)(2) of this Section is more than 6,017, which is the number of allowances remaining in the trading budget after allocations have been made to budget EGUs in subsection (b)(1) of this Section, the Agency will pro-rate the number of NO[x] allowances available to budget EGUs pursuant to the criteria in subsection (b)(2) of this Section so that the total number of allowances allocated to these budget EGUs does not exceed 6,017.
- 4) If the total number of allowances allocated pursuant to

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- four to six years prior to the year for which the allocation is being made are averaged. However, for a budget EGU that did not commence commercial operation at least six years prior to the control period for which the allocation is being made, the heat inputs for the following control periods shall be used:
- A) If the budget EGU has heat input for the control period four years prior to the year for which the NO[x] allocation is being made, but not for the control periods five and six years prior, the heat input for that control period four years prior shall be used; or
  - B) If the budget EGU has heat inputs for the control periods four and five years prior to the year for which the NO[x] allocation is being made, but not for the control period six years prior, the heat input for the control periods four and five years prior shall be averaged.
- 2) The budget EGU's heat input in subsection (b) of this Section for the control period in each year will be determined in accordance with:
- A) 40 CFR 75, as incorporated by reference in Section 217.104 of this Part, if the budget EGU was otherwise subject to its requirements for the year; or
  - B) The best available data reported to the Agency for the budget EGU if the budget EGU was not subject to the requirements of 40 CFR 75, for the year.
- c) The general equation for determining allowances is:

$$A = \frac{HI \times ER}{2000}$$

Where

HI = heat input (in mmbtu/control period) as determined in Section 217.762(b) of this Part.

ER = The NO[x] emission rate in lbs/mmbtu as determined in Section 217.762(a) of this Part.

A = allowances of NO[x]/control period.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 217.764 NO[x] Allocations for EGUs

For each control period, the Agency will allocate the total number of NO[x] allowances in the trading budget apportioned to budget EGUs under Section 217.760 of this part. These allocations will be issued as provided in subsections (a) through (f) of this Section. Specifically,

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subsection (b)(2) of this Section is less than 6,017, which is the number of allowances remaining in the trading budget after allocations have been made to budget EGUs in subsection (b)(1) of this Section, the Agency will allocate the remaining allowances to budget EGUs as follows:

- A) For budget EGUs in subsection (b)(1) of this Section, the pro-rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part, multiplied by the emission rate in Section 217.762(a)(1) of this Part.
- B) For budget EGUs in subsection (b)(2) of this Section, the pro-rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part, multiplied by the emission rate in Section 217.762(a)(2) of this Part.

- 5) The Agency will allocate allowances from the new source set-aside, pursuant to Section 217.768 of this Part, to budget EGUs that have not operated for the full 2002 control period.
- 6) The Agency will report these allocations to USEPA by April 1, 2003, except for allocations from the new source set-aside, which the Agency will report by May 1, 2006.

- c) In 2007 (or the fifth year of the program):

- 1) The Agency will allocate to each budget EGU that is listed in Appendix F of this Part, the number of allowances listed in Column 8 of Appendix F for that budget EGU, and any allowances that are not allocated to budget EGUs under subsection (b)(2) of this Section will be allocated as provided in subsection (b)(4) of this Section.

- 2) The Agency will apportion to each budget EGU that commenced commercial operation on or after January 1, 1995, and before May 1, 2003, allowances as calculated in Equation 1 as follows:

$$\text{Eq. 1: } A = 0.80 \times (\text{HI} \times \text{ER})$$

2000

Where:

HI = heat input (in mmbtu/control period) as determined in Section 217.762(b) of this Part.

ER = the NO[x] emission rate in lbs/mmbtu, as determined in 217.762(a)(2) of this Part.

A = allowances of NO[x]/control period.

- 3) Notwithstanding subsection (c)(2) of this Section, the total number of allowances determined by subsection (c)(2) of this Section is more than 6,017, which is the number of allowances

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remaining in the trading budget after allocations have been made to budget EGUs in subsection (c)(1) of this Section, the Agency will pro-rate the number of NO[x] allowances available to budget EGUs pursuant to the criteria in subsection (c)(2) of this Section so that the total number of allowances allocated to these budget EGUs does not exceed 6,017.

- 4) If the total number of allowances allocated pursuant to subsection (c)(2) of this Section is less than 6,017, which is the number of allowances remaining in the trading budget after allocations have been made to budget EGUs in subsection (c)(1) of this Section, the Agency will allocate the remaining allowances to budget EGUs as follows:

- A) For budget EGUs in subsection (c)(1) of this Part, the pro-rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part, multiplied by the emission rate in Section 217.762(a)(1) of this Part.

- B) For budget EGUs in subsection (c)(2) of this Section, the pro-rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part, multiplied by the emission rate in Section 217.762(a)(2) of this Part.

- 5) The Agency will allocate allowances from the new source set-aside, pursuant to Section 217.768 of this Part, to budget EGUs that have not operated for the full 2003 control period.

- 6) The Agency will report these allocations to USEPA by April 1, 2004, except for allocations from the new source set-aside, which the Agency will report by May 1, 2007.

- d) In 2008 (or the sixth year of the program):

- 1) The Agency will allocate to each budget EGU that is listed in Appendix F of this Part, the number of allowances listed in Column 9 of Appendix F for that budget EGU and any allowances that are not allocated to budget EGUs under subsection (d)(2) of this Section will be allocated as provided in subsection (d)(4) of this Section.

- 2) The Agency will apportion to each budget EGU that commenced commercial operation on or after January 1, 1995, and before May 1, 2004, allowances calculated in Equation 1 as follows:

$$\text{Eq. 1: } A = 0.50 \times (\text{HI} \times \text{ER})$$

2000

Where:

HI = heat input (in mmbtu/control period) as determined in Section 217.762(b) of this Part.

ER = the NO[x] emission rate in lbs/mmbtu, as determined

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in Section 217.762(a)(2) of this Part.  
 $A = \text{allowances of NO}[x]/\text{control period.}$

- 3) Notwithstanding subsection (d)(2) of this Section, the total number of allowances determined by subsection (d)(2) of this Section is more than 15,043, which is the number of allowances remaining in the trading budget after allocations have been made to budget EGUs in subsection (d)(1) of this Section, the Agency will pro-rate the total number of NO[x] allowances available to budget EGUs that received allowances pursuant to the criteria in subsection (d)(2) of this Section so that the total number of allowances allocated to these budget EGUs does not exceed 15,043. If the total number of allowances allocated pursuant to subsection (d)(2) of this Section is less than 15,043, which is the number of allowances remaining in the trading budget after allocations have been made to budget EGUs in subsection (d)(1) of this Section, the Agency will allocate the remaining allowances to budget EGUs as follows:

A) For budget EGUs in subsection (d)(1) of this Section, the pro-rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part, multiplied by the emission rate in Section 217.762(a)(1) of this Part.

B) For budget EGUs in subsection (d)(2) of this Section, the pro-rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part, multiplied by the emission rate in Section 217.762(a)(2) of this Part.

- 5) The Agency will allocate allowances from the new source set-aside, pursuant to Section 217.768 of this Part, to budget EGUs that have not operated for the full 2004 control period.

- 6) As of April 30, 2008, if the number of allowances in the new source set-aside exceeds three percent (3%) of the total number of tons of NO[x] emissions in the trading budget apportioned to budget EGUs as determined pursuant to Section 217.768(i) and (j) of this Part, the number of allowances above three percent (3%) will be allocated to budget EGUs receiving allowances pursuant to this subsection.

- 7) The Agency will report these allocations to USEPA by April 1, 2005, except for allocations from the new source set-aside, which the Agency will report by May 1, 2008.

e) In 2009 (or the seventh year of the program):

- 1) The Agency will allocate to each budget EGU that is listed in Appendix F of this Part, the number of allowances listed in Column 9 of Appendix F for that budget EGU and any allowances that are not allocated to budget EGUs under subsection (e)(2) of this Section as provided in subsection (e)(4) of this Section.

- 2) The Agency will assign to each budget EGU that commenced

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commercial operation on or after January 1, 1995, and before May 1, 2005, allowances as calculated in Equation 1 as follows:

$$\text{Eq. 1: } A = 0.50 \times \frac{(HI \times ER)}{2000}$$

Where:

HI = heat input (in mmbtu/control period) as determined in Section 217.762(b) of this Part.

ER = the NO[x] emission rate in lbs/mmbtu, as determined in Sections 217.762(a)(2) of this Part.

A = allowances of NO[x]/control period.

- 3) Notwithstanding subsection (e)(2) of this Section, the total number of allowances determined by subsection (e)(2) of this Section is more than 15,043, which is the number of allowances remaining in the trading budget after allocations have been made to budget EGUs in subsection (e)(1) of this Section, the Agency will pro-rate the total number of NO[x] allowances allocated to budget EGUs that received allowances pursuant to the criteria in subsection (e)(2) of this Section so that the total number of allowances allocated to these budget EGUs does not exceed 15,043. If the total number of allowances allocated pursuant to subsection (e)(2) of this Section is less than 15,043, which is the number of allowances remaining in the trading budget after allocations have been made to budget EGUs in subsection (e)(1) of this Section, the Agency will allocate the remaining allowances to budget EGUs as follows:

A) For budget EGUs in subsection (e)(1) of this Section, the pro-rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part, multiplied by the emission rate in Section 217.762(a)(1) of this Part.

B) For budget EGUs in subsection (e)(2) of this Section, the pro-rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part, multiplied by the emission rate in Section 217.762(a)(2) of this Part.

- 5) The Agency will allocate allowances from the new source set-aside, pursuant to Section 217.768 of this Part, to budget EGUs that have not operated for the full 2005 control period.

- 6) As of April 30, 2009, if the number of allowances in the new source set-aside exceeds three percent (3%) of the total number of tons of NO[x] emissions in the trading budget apportioned to budget EGUs as determined pursuant to Section 217.768(i) and (j)



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of this Part, the number of allowances above three percent (3%) will be allocated to budget EGUs receiving allowances pursuant to this subsection.

7) The Agency will report these allocations to USEPA by April 1, 2006, except for allocations from the new source set-aside, which the Agency will report by May 1, 2009.

f) In 2010 (or the eighth year) of the program and annually thereafter, the Agency will apportion the available NO<sub>x</sub> allowances to each budget EGU based on its heat input determined in Section 217.762(b) of this Part, multiplied by:

1) For budget EGUs that commenced commercial operation prior to January 1, 1995, the NO<sub>x</sub> emission rate determined in Section 217.762(a)(1) of this Part; and

2) For budget EGUs that commenced commercial operation on or after January 1, 1995, the NO<sub>x</sub> emission rate determined in Section 217.762(a)(2) of this Part.

3) The Agency will allocate allowances from the new source set-aside, pursuant to Section 217.768 of this Part, to budget EGUs that have not operated for the full control period four years prior to the year in which the allocations are being made.

4) As of April 30, 2010, if the number of allowances in the new source set-aside exceeds three percent (3%) of the total number of tons of NO<sub>x</sub> emissions in the trading budget apportioned to budget EGUs as determined pursuant to Section 217.768(e) and (f) of this Part, the number of allowances above three percent (3%) will be allocated to budget EGUs receiving allowances pursuant to this subsection.

5) The Agency will report these allocations to USEPA by April 1 of each year that is three years prior to the year in which the allocations are being made, except for allocations from the new source set-aside, which the Agency will report by May 1 of each year in which the allocations are being made.

BOARD NOTE: Because of litigation involving the NO<sub>x</sub> SIP Call, Michigan v. EPA, No. 98-1497, 2000 WL 180650 (D.C. Cir. March 3, 2000), the years defining the control periods may change. Should this occur, the dates set forth under each year will be considered to adjust correspondingly.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 217.768 New Source Set-Asides for "New" Budget EGUs

a) "New" budget EGUs

1) A "new" budget EGU is one that commenced commercial operation on or after January 1, 1995, and does not receive allowances pursuant to Section 217.764 of this Part.

2) "New" budget EGUs must have an allowance for every ton of NO<sub>x</sub> emitted during the control period as provided in Section

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217.756(d) of this Part.

3) A "new" budget EGU may request from the Agency a number of allowances that is not more than the number of allowances for which it is eligible, as determined in subsection (e) of this Section.

b) The Agency shall apportion allowances from the new source set-aside as follows:

1) For 2003, 2004, and 2005, to budget EGUs that commenced commercial operation on or after January 1, 1995; and

2) For 2006 and thereafter, to budget EGUs that have not operated the full control period four years prior to the control period for which the allocation is being made.

c) The Agency will establish a new source set-aside for each control period. Each new source set-aside will be allocated allowances equal to:

1) Five percent (5%) of the EGU trading budget in 2003, 2004, and 2005, which is 1,535 allowances, subject to adjustment to reflect additions or deletions to the EGU trading budget;

2) Two percent (2%) of the EGU of the trading budget in 2006 and thereafter, which is 614 allowances, subject adjustment to reflect additions or deletions to the EGU trading budget.

3) As of April 30 of the applicable year, beginning in 2008 and thereafter, if the number of allowances in the new-source set-aside is greater than or equal to three percent (3%) of the total number of tons of NO<sub>x</sub> emissions in the trading budget apportioned to budget EGUs, which is 921 allowances, subject to adjustment to reflect additions or deletions to the EGU trading budget, pursuant to subsections (i) and (j) of this Section, the number of allowances above three percent (3%) will be allocated to budget EGUs receiving allowances pursuant to Section 217.764 of this Part. These allowances shall be allocated on a pro-rata basis.

d) The account representative of a "new" budget EGU under subsection (a) of this Section may obtain allowances from the new source set-aside by submitting to the Agency a request, in writing or in a format specified by the Agency, to be allocated allowances for the current control period from the new source set-aside. The allocation request for each applicable control period must be submitted after the date on which the Agency issues a construction permit to the budget EGU and before March 1 of the control period for which the allocation is requested.

e) In an allocation request under subsection (d) of this Section, the account representative may request allowances for a control period in a number that does not exceed the projected heat input in mmBtu during the applicable control period multiplied by the more stringent of 0.15 lb/mmBtu or the permitted emission rate, but no more stringent than 0.055 lb/mmBtu. The projected heat input shall be determined as set forth below, divided by 2000 lbs/ton:

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- 1) For "new" budget EGUs that have heat input from at least three control periods prior to the allocation year, the average of the budget EGU's two highest seasonal heat inputs from the control periods one to three years prior to the allocation year;
  - 2) For "new" budget EGUs that have heat input from only two control periods prior to the allocation year, the average of the budget EGU's seasonal heat inputs from the control periods one and two years prior to the allocation year;
  - 3) For "new" budget EGUs that have seasonal heat input from only the control period prior to the allocation year, the heat input from that control period; or
  - 4) For "new" budget EGU that have not operated for more than half of a full control period prior to the allocation year, the budget EGU's maximum design heat input for the control period as designated in the construction permit.
- f) Beginning in 2006, the Agency will review and allocate allowances pursuant to each allocation request, contingent upon receiving payment pursuant to subsection (k) of this Section, by April 15 of the applicable year, as follows:
- 1) Upon receipt of the allocation request, the Agency will determine whether the request is consistent with the requirements of subsections (d) and (e) of this Section and will make any necessary adjustments to the request to ensure that the control period and the number of allowances requested are consistent with those requirements of subsections (d) and (e) of this Section.
  - 2) If the new source set-aside for the control period for which allowances are requested has a number of allowances greater than or equal to the total number requested by all "new" budget EGUs, the Agency will allocate the number of allowances requested to the "new" budget EGUs.
  - 3) If the new source set-aside for the control period for which allowances are requested has a number of allowances less than the total number of allowances requested by all "new" budget EGUs, the Agency will allocate the available allowances to the "new" budget EGUs on a pro-rata basis, based on the number of allowances requested.
- g) For "new" budget EGUs that commenced commercial operation on or after January 1, 1995, but prior to January 1, 2003, the Agency will notify the account representative of the number of allowances that have been allocated to the "new" budget EGU by March 30 of the applicable year. There will be no charge for allowances received under this subsection.
- h) For "new" budget EGUs that commenced commercial operation on or after January 1, 2003, the Agency will notify by March 30 of the applicable year the account representative of the number of allowances that are eligible for purchase for the "new" budget EGU pursuant to the requirements of subsection (k) of this Section. If the Agency does not receive payment by April 15 of the applicable year, the account representative will forfeit his/her eligibility to purchase the

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- allowances offered. The Agency will make available for purchase those forfeited allowances on a pro-rata basis to "new" budget EGUs that received allocations pursuant to subsection (f)(2) of this Section, up to the number of allowances requested by each account representative. Such additional allocations are subject to the purchase requirements of subsection (k) of this Section, to the extent applicable.
- i) For "new" budget EGUs that commence commercial operation for less than one-half of the control period in 2002, USEPA will deduct allowances to account for the actual utilization of the EGU during the 2003 control period consistent with the provisions of 40 CFR 96.42(e). Any allowances allocated by the Agency for such "new" budget EGUs that are not used for compliance during the 2003 control period shall be returned to the Agency's new source set-aside account.
  - j) For the years 2003, 2004, and 2005, any allowances that are not allocated pursuant to subsections (g), (h) and (i) of this Section, will be allocated on a pro-rata basis to the budget EGUs listed in Appendix F of this Part. There will be no charge for allowances received under this subsection.
  - k) Fees for new source set-aside allowances:
    - 1) "New" budget EGUs that commence commercial operation on or after January 1, 2003, that obtain allowances allocated from the new source set-aside shall pay for such allocations pursuant to Section 9.9 of the Act.
    - 2) The price of allowances from the new source set-aside shall be:
      - A) The average price at which NO(x) allowances are traded in the interstate NO(x) Trading Program for the preceding control period; and
      - B) For 2003 only, the price shall be the average price at which NO(x) allowances were traded in 2002 in the Ozone Transport Region.
    - 3) The fees collected by the Agency from the sale of allowances will be distributed pro-rata to budget EGUs receiving allowances pursuant to Section 217.764 of this Part on the basis of allocated allowances subject to Agency administrative costs assessed pursuant to Section 9.9 of the Act.
  - l) A "new" budget EGU will become an existing budget EGU and will receive allowances pursuant to the requirements of Section 217.764 of this Part, as follows:
    - 1) For a budget EGU that commences commercial operation between and including January 1, 1995, and April 30, 2002, the budget EGU will be allocated allowances in 2003 for the 2006 control period and will become an existing budget EGU on May 1, 2006.
    - 2) For a budget EGU that commences commercial operation after April 30, 2002, the budget EGU will become an existing budget EGU in the control period for which it receives an allocation pursuant to Section 217.764 of this Part. It will be considered a "new" budget EGU and will receive its allowances from the new source set-aside in the intervening years from start-up until it



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receives allocations pursuant to Section 217.764 of this Part.  
 BOARD NOTE: Because of litigation involving the NO[x] SIP Call, Michigan v. EPA, No. 98-1497 2000 WL 180650, (D.C. Cir. March 3, 2000), the years defining the control periods may change. Should this occur, other dates in this Section will be considered to adjust as necessary.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 217.770 Early Reduction Credits for Budget EGUs**

If a budget EGU reduces its NO[x] emission rate as required by the applicable provisions of subsection (c) of this Section in the 2001 or 2002 control period, for use in 2003 and/or 2004, the account representative may request early reduction credits (ERCs) for such reductions, and the Agency will allocate ERCs to the budget EGU in accordance with the following:

a) Each budget EGU for which the account representative requests any ERCs under subsection (d) of this Section shall monitor NO[x] emissions in accordance with 40 CFR 96, Subpart H, as incorporated by reference in Section 217.104 of this Part, starting with the control period prior to the control period for which ERCs will first be requested and for each control period for which ERCs will be requested. The unit's monitoring system availability shall be not less than 80 percent during the control period prior to the control period in which the NO[x] emissions reduction is made and the unit must be in compliance with any applicable State or federal emissions or emissions-related requirements.

b) The NO[x] emission rate and heat input under subsections (c) through (e) of this Section shall be determined in accordance with 40 CFR 96, Subpart H.

c) Each budget EGU for which ERCs are requested under subsection (d) of this Section must have reduced its NO[x] emission rate for each control period for which ERCs are requested, as follows:

1) For budget EGUs subject to the requirements of Title IV of the CAA and not included in a NO[x] averaging plan pursuant to 40 CFR 72 and 76, as incorporated by reference in Section 217.104 of this Part, at least 30% less than the NO[x] emission rate specified in the applicable Title IV permit or other applicable federally enforceable permit; or

2) For budget EGUs subject to the requirements of Title IV of the CAA and included in a NO[x] averaging plan pursuant to 40 CFR 72 and 76, at least 30% less than the annual emission rate required in the NO[x] averaging plan in the applicable Title IV permit or other applicable federally enforceable permit.

3) For budget EGUs not subject to the requirements of Title IV of the CAA, at least 30% less than the actual NO[x] emissions rate (lbs/mmBtu) for the 2000 control period.

d) The account representative of a budget EGU that meets the requirements

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of subsections (a) through (c) of this Section may submit to the Agency a request for ERCs for a EGU based on NO[x] emission rate reductions made by the EGU in control periods 2001 and 2002 in accordance with subsection (c) of this Section.

1) The number of ERCs for any applicable control period shall be an amount equal to the unit's heat input for such control period multiplied by the difference between the EGU's NO[x] emission rate (meeting the requirements of subsection (c) of this Section for such the applicable control period) and the EGU's actual NO[x] emission rate for the applicable control period, divided by 2000 lbs/ton, and rounded to the nearest ton.

2) Upon request of the account representative, the ERC allowance allocation for a particular EGU may be deposited in the source's general account rather than in the unit's compliance account.

3) The early reduction request must be submitted in a format specified by the Agency by:

- A) November 1, 2001, for reductions made in the 2001 control period; or
- B) November 1, 2002, for reductions made in the 2002 control period.

e) In the event that the date for implementing the NO[x] SIP Call, May 1, 2003, is delayed, the early reduction request must be submitted by November 1 of the year two years before the implementation date for the reductions made in the control period two years before the implementation date, and by November 1 of the year preceding the implementation date for the reductions made in the control period preceding the implementation date. Should this occur, the other dates in this Section shall be adjusted accordingly.

f) The Agency will allocate ERCs to the budget EGUs meeting the requirements of subsections (a) through (c) of this Section and covered by ERC requests meeting the requirements of subsection (d) of this Section in accordance with the following procedures:

1) Upon receipt of each ERC request, the Agency will accept the request only if the requirements of subsections (a) through (d) of this Section are met and will make any necessary adjustment to the request to ensure that the amount of the ERCs requested meets the requirements of subsections (b) through (d) of this Section; The Agency shall allocate at least 15,261 ERCs over two years, as follows:

A) Not more than 7,630 ERC allowances for reductions made in the control period in 2001; and

B) At least 7,631 ERC allowances, plus any ERC allowances not allocated pursuant to subsection (f)(2)(A) of this Section, for reductions made in the control period in 2002.

3) If the number of ERC allowances requested for a reduction achieved in the control period in 2001 is less than or equal to the number of ERC allowances designated for that control period in subsection (f)(2)(A) of this Section, the Agency will allocate



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to each budget EGU one allowance for each accepted ERC request;

4) If the number of ERC allowances requested for a reduction achieved in control period in 2001 is greater than the number of ERC allowances designated for that control period in subsection (e)(2)(A) of this Section, the Agency will allocate to each budget EGU allowances for accepted requests on a pro-rata basis; and

5) For accepted ERC requests for reductions made in the control period in 2002, the Agency will allocate ERCs on a pro-rata basis.

g) The Agency will notify the account representative submitting an ERC request for the subsequent control period of the number of ERC allowances that will be allocated to each budget EGU for that control period as follows:

1) By May 1, 2002, for ERCs requested for and earned in the 2001 control period; and

2) By May 1, 2003, for ERCs requested for and earned in the 2002 control period.

h) By May 1, 2003, the Agency will submit to USEPA the ERC allocations made by the Agency under this Section. USEPA will record such allocations to the extent that they are consistent with the requirements of this Section;

i) ERC allowances recorded under subsection (h) of this Section may be deducted for compliance under 40 CFR 96.54, as incorporated by reference in Section 217.104 of this Part, for the control periods in 2003 or 2004. Notwithstanding 40 CFR 96.55(a), USEPA will deduct as retired any ERC allowances that are not deducted for compliance in accordance with 40 CFR 96.54 for the control period in 2003 or 2004; and

j) ERC allowances are treated as banked allowances in 2004 for the purposes of 40 CFR 96.55(a) and (b).

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 217.774 Opt-in Units**

a) Any operating fossil fuel-fired stationary boiler, combustion turbine, or combined cycle system in the State may qualify under this Subpart to become a budget opt-in unit if it:

1) Is not a budget EGU under Section 217.754 of this Part;

2) Vents all of its emissions to a stack or, for a unit that does not vent all of its emissions to a stack, obtains a permit with federally enforceable conditions specifying the applicable conditions for participation in the NO<sub>x</sub> Trading Program;

3) Has documented heat input for more than 876 hours in the six months immediately preceding the submission of an application for an initial budget permit under subsection (d) of this

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4) Is not covered by a retired unit exemption under 40 CFR 96.5; and

5) Is not covered by the low-emitter exemption under Section 217.754(c) of this Part.

b) Except as otherwise provided in this Part, a budget opt-in unit shall be treated as a budget EGU for purposes of applying this Subpart and 40 CFR 96.

**c) Authorized Account Representative:**

1) If an opt-in unit is located at the same source as one or more budget EGUs, it shall have the same account representative as those budget EGUs.

2) If the opt-in unit is not located at the same source as one or more budget EGUs, the owner or operator of the opt-in unit shall submit a complete account certificate of representation under 40 CFR 96.13.

d) To apply for a budget permit, the account representative of a unit meeting the qualifications of subsection (a) of this Section must, except as provided under Section 217.778(f) of this Part, submit to the Agency:

1) A budget permit application for the unit that:

A) Meets the requirements under Section 217.758 of this Part; and

B) Contains provisions for a change in the regulatory status of the unit to a budget opt-in unit under Section 217.754 of this Part pursuant to the provisions of Section 217.780(b) of this Part.

2) A monitoring plan for the unit in accordance with 40 CFR 96, Subpart H.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 217.776 Opt-In Process**

The owner or operator of a unit meeting the qualifications of Section 217.774(a) of this Part may submit an application for a budget permit for a budget opt-in unit under Section 217.774(d) of this Part. The Agency will issue or deny a budget permit for such opt-in unit in accordance with Section 217.758 of this Part and the following:

a) The Agency will determine, on an interim basis, the sufficiency of the monitoring plan accompanying the initial application for a budget permit for an opt-in unit. A monitoring plan is sufficient, for purposes of interim review, if the plan contains information demonstrating that the NO<sub>x</sub> emission rate and heat input of the unit are monitored and reported in accordance with 40 CFR 96, Subpart H. A determination of sufficiency shall not be construed as acceptance or approval of that unit's monitoring plan.

b) If the Agency determines that the unit's monitoring plan is sufficient

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under subsection (a) of this Section and after completion of the monitoring system certification under 40 CFR 96, Subpart H, the NO[x] emission rate and the heat input of the unit shall be monitored and reported in accordance with 40 CFR 96, Subpart H, for one full control period during which the monitoring system availability is not less than 80 percent and during which the unit is in full compliance with any applicable State or federal emissions or emissions-related requirements.

- c) Based on the information monitored and reported under subsection (b) of this Section, the unit's baseline heat rate shall be calculated as the unit's total heat input (in mmbtu) for the control period and the unit's baseline NO[x] emission rate shall be calculated as the unit's total NO[x] emissions (in lbs) for the control period divided by the unit's baseline heat rate.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 217.778 Budget Opt-in Units: Withdrawal from NO[x] Trading Program

- a) Requesting withdrawal. To withdraw from the NO[x] Trading Program, the account representative of a budget opt-in unit shall submit to the Agency a request to withdraw from the NO[x] Trading Program and to withdraw the budget permit effective as of a specified date between (and not including) September 30 and before May 1. The submission shall be made no later than 90 days prior to the requested effective date of withdrawal.
- b) Conditions for withdrawal. Before a budget opt-in unit may withdraw from the NO[x] Trading Program and the budget permit may be withdrawn under this Section, the following conditions must be met:

- 1) For the control period immediately before the withdrawal is to be effective, the account representative must submit to the Agency an annual compliance certification report in accordance with 40 CFR 96.30.

- 2) If the budget opt-in unit has excess emissions for the control period immediately before the withdrawal is to be effective, USEPA has deducted from the budget opt-in unit's compliance account, or the overdraft account of the NO[x] budget source where the budget opt-in unit is located, the number of allowances required in accordance with 40 CFR 96.54(d) for the control period.

- 3) After the requirements for withdrawal under subsections (b)(1) and (b)(2) of this Section are met, USEPA will deduct from the opt-in unit's compliance account, or the overdraft account of the budget source where the budget opt-in unit is located, allowances equal in number to any allowances allocated to that unit under Section 217.782 of this Part for the control period for which the withdrawal is to be effective. USEPA will close the budget

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opt-in unit's compliance account and will establish, and transfer any remaining allowances to, a new general account for the owners and operators of the opt-in unit. The account representative for the budget opt-in unit shall become the account representative for the general account.

- c) A budget opt-in unit that withdraws from the NO[x] Trading Program shall comply with all requirements under the NO[x] Trading Program concerning all years for which such budget opt-in unit was a budget opt-in unit, even if such requirements arise or must be complied with after the withdrawal takes effect.

d) Notification:

- 1) After the requirements for withdrawal under subsections (a) and (b) of this Section are met (including deduction of the full amount of allowances required), the Agency will revise the budget permit indicating a specified effective date for the withdrawal that is after the requirements in subsections (a) and (b) of this Section have been met and that is prior to May 1 or after September 30.

- 2) If the requirements for withdrawal under subsections (a) and (b) of this Section are not met, the Agency will issue a notification to the owner or operator and the account representative of the budget opt-in unit that the opt-in unit's request to withdraw its budget permit is denied. If the budget opt-in unit's request to withdraw is denied, the budget opt-in unit shall remain subject to the requirements for a budget opt-in unit.

- e) Reapplication upon failure to meet conditions of withdrawal. If the Agency denies the budget opt-in unit's request to withdraw, the account representative of the budget opt-in unit may submit another request to withdraw in accordance with subsections (a) and (b) of this Section.

- f) Ability to return to the NO[x] Trading Program. Once an opt-in unit withdraws from the NO[x] Trading Program and its budget permit is withdrawn under this Section, the account representative may not submit another application for a budget permit under Section 217.774(d) of this Part for the unit prior to the date that is four years after the date on which the budget permit with opt-in conditions is withdrawn.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 217.780 Opt-in Units: Change in Regulatory Status

- a) Notification. When an opt-in unit becomes a budget opt-in unit under Section 217.754(d) of this Part, the owner or operator shall notify the Agency and USEPA in writing of such change in the opt-in unit's regulatory status within 30 days of such change.
- b) Any permit application that provides for a change in the regulatory status of a unit to a budget opt-in unit pursuant to Section



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217.774(d)(1)(B) of this Part and included in a budget permit, is effective on the date on which such opt-in unit becomes a budget opt-in unit under Section 217.754 of this Part.

## c) USEPA's action.

1) USEPA will deduct from the compliance account for the budget opt-in unit under this Section, or the overdraft account of the budget source where the budget opt-in unit is located, allowances equal in number to and allocated for the same or a prior control period as:

A) Any allowances allocated to the budget unit (as an opt-in unit) under Section 217.782 of this Part for any control period after the last control period during which the unit's budget permit was effective; and

B) If the effective date of any budget permit under subsection (b) of this Section is during a control period, the allowances allocated to the budget opt-in unit (as an opt-in unit) under Section 217.782 of this Part for the control period multiplied by the ratio of the number of days in the control period, starting with the effective date of the budget permit under subsection (b) of this Section, divided by the total number of days in the control period.

2) The account representative shall ensure that the compliance account of the budget opt-in unit under subsection (b) of this Section, or the overdraft account of the budget source where the budget opt-in unit is located, contains the allowances necessary for completion of the deduction under subsection (c)(1) of this Section. If the compliance account or overdraft account does not contain sufficient allowances, USEPA will deduct the required number of allowances, regardless of the control period for which they were allocated, whenever allowances are recorded in either account.

3) For every control period during which any budget permit under subsection (b) of this Section is effective, the budget opt-in unit under subsection (b) of this Section will be treated, solely for purposes of allowance allocations under Section 217.764 or 217.768 of this Part, as a unit that commenced operation on the effective date of the budget permit under subsection (b) of this Section and will be allocated allowances in accordance with Section 217.764 or 217.768 of this Part.

4) Notwithstanding subsection (c)(2) of this Section, if the effective date of any budget permit under subsection (b) of this Section is during a control period, the following number of allowances will be allocated to the budget opt-in unit under subsection (b) of this Section under Section 217.764 or 217.768 of this Part for the control period: the number of allowances otherwise allocated to the budget opt-in unit under Section 217.764 or 217.768 of this Part for the control period multiplied by the ratio of the number of days in the control period.

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starting with the effective date of the budget permit under subsection (b) of this Section, divided by the total number of days in the control period.

d) When the owner or operator of an opt-in unit does not renew the budget permit for the budget opt-in unit issued pursuant to Section 217.774(d), USEPA will deduct from the budget opt-in unit's compliance account, or the overdraft account of the budget source where the budget opt-in unit is located, allowances equal in number to and allocated to the budget opt-in unit under Section 217.782 of this Part for any control period after the last control period for which the budget permit is effective. The account representative shall ensure that the budget opt-in unit's compliance account or the overdraft account of the budget source where the budget opt-in unit is located contains the allowances necessary for completion of such deduction. If the compliance account or overdraft account does not contain sufficient allowances, USEPA will deduct the required number of allowances, regardless of the control period for which they were allocated, whenever allowances are recorded in either account.

e) USEPA will close the opt-in unit's compliance account. If any allowances remain in the compliance account after completion of such deduction and any deduction under 40 CFR 96.54, USEPA will close the opt-in unit's compliance account and will establish, and transfer any remaining allowances to, a new general account for the owner or operator of the opt-in unit. The account representative for the opt-in unit shall become the account representative for the general account.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 217.782 Allowance Allocations to Budget Opt-In Units**

## a) Allowance allocations:

1) By the December 31 immediately before the first control period for which the budget permit is effective, the Agency will allocate allowances to the budget opt-in unit and submit to USEPA the allocation for the control period in accordance with subsection (b) of this Section.

2) By no later than the December 31 after the first control period for which the budget permit is in effect and the December 31 of each year thereafter, the Agency will allocate allowances to the budget opt-in unit and submit to USEPA allocations for the next control period, in accordance with subsection (b) of this Section.

b) For each control period for which the budget opt-in unit has a budget permit, the budget opt-in unit will be allocated allowances in



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- accordance with the following procedures:
- 1) The heat input (in mmbtu) used for calculating allowance allocations will be the lesser of:
    - A) The opt-in unit's baseline heat input determined pursuant to Section 217.778(c) of this Part; or
    - B) The opt-in unit's heat input, for the control period in the year prior to the year of the control period for which the allocations are being calculated, as determined in accordance with 40 CFR 96, Subpart H.
  - 2) The Agency will allocate allowances to the budget opt-in unit in an amount equaling the heat input (in mmbtu) determined under subsection (b)(1) of this Section multiplied by the lesser of:
    - A) The unit's baseline NO[x] emission rate (in lbs/mmbtu) determined pursuant to Section 217.776(c) of this Part; or
    - B) The lowest NO[x] emissions limitation (calculated in lbs/mmbtu) under State or federal law that is applicable to the budget opt-in for the control period in the year prior to the year of the control period for which the allocations are being calculated during the control period, regardless of the averaging period to which the emissions limitation applies.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 217. APPENDIX D Non-Electrical Generating Units

COMPANY ID # / NAME	UNIT DESIGNATION	UNIT DESCRIPTION
1	2	3
A E STALEY MANUFACTURING CO		
115015ABX	85070061299	COAL-FIRED BOILER 1
115015ABX	85070061299	COAL-FIRED BOILER 2
115015ABX	73020084129	BOILER #25
ARCHER DANIELS MIDLAND CO EAST PLANT		
115015AAE	85060030081	COAL-FIRED BOILER 1
115015AAE	85060030081	COAL-FIRED BOILER 2
115015AAE	85060030081	COAL-FIRED BOILER 3
115015AAE	85060030082	COAL-FIRED BOILER 4
115015AAE	85060030082	COAL-FIRED BOILER 5
115015AAE	85060030082	COAL-FIRED BOILER 6
115015AAE	85060030083	GAS-FIRED BOILER 7
115015AAE	85060030083	GAS-FIRED BOILER 8
CPC INTERNATIONAL INC.		
031012ABI	91020069160	COAL-FIRED BOILER 6
031012ABI	73020146041	BOILER SERIAL 15813

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QUANTUM - USI DIVISION			
041804AAB	72121207108	BOILER NO 1	
041804AAB	72121207109	BOILER NO 2	
041804AAB	72121207110	BOILER NO 3	
041804AAB	72121207111	BOILER NO 4	
041804AAB	72121207112	BOILER NO 5	
SHELL OIL CO WOOD RIVER MFG COMPLEX			
119090AAA	72110633080	BOILER NO 15	
119090AAA	72110633081	BOILER NO 16	
119090AAA	72110633082	BOILER NO 17	
U S STEEL - SOUTH WORKS			
031600ALZ	82010044013	NO. 6 BOILER #5 POWER	
		STATION (FUEL-NAT.GAS)	
031600ALZ	82010044014	NO 1 BLR NG	
UNIV OF ILL - ABBOTT POWER PLANT			
019010ADA	82090027006	BOILER #7 (265 MBTU)	
UNO-VEN COMPANY			
197090AAI	72110253037	BOILER 43-B-1	

(Source: Added at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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031012ABI	73020146042	BOILER SERIAL 15812	
031012ABI	73020146043	GAS FIRED BOILER NO 4	
031012ABI	73020147045	BOILER SERIAL 18345	
031012ABI	73020147046	GAS FIRED BOILER NO 5	
GREAT LAKES NAVAL STATION			
097811AAC	78080071011	BOILER # 5	
097811AAC	78080071011	BOILER # 6	
INDIAN REFINING LIMITED PARTNERSHIP			
101805AAC	72110297015	BOILER 18601	
101805AAC	72110297016	BOILER 18602	
101805AAC	72110297017	BOILER 18603	
JEFFERSON SMURFIT CORPORATION			
119010AAL	72120426001	BLR 7-COAL FIRED	
MARATHON OIL CO ILLINOIS REFINING DIVISION			
033808AAB	72111291055	BOILER #3 OIL, REF GAS	
		FIRE	
033808AAB	72111291056	BOILER #4 REF GAS,OIL	
		FIRE	
MOBIL JOLIET REFINING CORP			
197800AAA	72110567002	AUX BOILER-REFINERY	
		GAS FULL FIRE IF COGEN	
		DOWN	
197800AAA	86010009043	STATIONARY GAS	
		TURBINE	
PEKIN ENERGY COMPANY			
179060ACR	73020087019		
QUANTUM - USI DIVISION			
063800AAC	72100016013	BOILER # 1	
063800AAC	72100016013	BOILER # 2	
063800AAC	72100016014	#3 GAS FIRED BOILER	
063800AAC	72100016016	#5 GAS FIRED BOILER	
063800AAC	72100016017	#6 BOILER	

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Section 217.APPENDIX F Allowances For Electrical Generating Units

Company Name/ ID #	Generating Unit Designation	EGU Designation	NOx Budget Allowances	80% of NOx Budget Allowances	50% of NOx Budget Allowances	2003, 2004, 2005 Allowances	2006, 2007 Allowances	2008, 2009 Allowances
1	2	3	4	5	6	7	8	9
Company Totals			No N SSA	No N SSA	No N SSA	5% N SSA	2% N SSA	2% N SSA

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Ameren Energy Generating Company

135803AA A	Coffeen 1	Coffeen 1	550	440	275	523	431	270
135803AA A	Coffeen 2	Coffeen 2	945	756	473	898	741	463
077806AA A	G. Tower 3	Boiler 7	55	44	28	52	43	27
077806AA A	G. Tower 3	Boiler 8	44	35	22	42	35	22
077806AA A	G. Tower 4	Boiler 9	199	159	100	189	156	98
033801AA A	Hutsonville 3	Boiler 5	161	129	81	153	126	79
033801AA A	Hutsonville 4	Boiler 6	129	103	65	123	101	63
135805AA A	Meredosia 1	Boiler 1	33	26	17	31	26	16
135805AA A	Meredosia 1	Boiler 2	23	18	12	22	18	11
135805AA A	Meredosia 2	Boiler 3	23	18	12	21	18	11
135805AA A	Meredosia 2	Boiler 4	28	22	14	27	22	14
135805AA A	Meredosia 3	Boiler 5	432	346	216	410	339	212
135805AA A	Meredosia 4	Boiler 6	28	22	14	27	22	13
079808AA A	Newton 1	Newton 1	1,101	881	551	1,046	863	539
079808AA A	Newton 2	Newton 2	1,074	859	537	1,020	842	526
Ameren Eng. Gen. Co. Totals			4,825	3,860	2,413	4,584	3,783	2,364

AES

057801AA A	D. Creek	D. Creek	914	731	457	868	717	448
143805AA G	Edwards 1	Edwards 1	251	201	126	239	197	123



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143805AA G	Edwards 2	Edwards 2	368	294	184	350	288	180
143805AA G	Edwards 3	Edwards 3	655	524	328	622	513	321
AES Totals			2,188	1,750	1,094	2,079	1,715	1,072
CWLP								
167120AA O	Dallman 1	Boiler 31	141	113	71	134	111	69
167120AA O	Dallman 2	Boiler 32	202	162	101	192	158	99
167120AA O	Dallman 3	Boiler 33	474	379	237	450	372	232
167120AG Q	G. Turbine #2	G. Turbine #2	91	73	46	86	71	45
167120AA O	Lakeside 7	Lakeside 7	47	38	24	45	37	23
167120AA O	Lakeside 8	Lakeside 8	42	34	21	40	33	21
CWLP Totals			997	798	499	947	782	489

## Midwest Generation

063806AA F	Collins 1	Collins 1	302	242	151	287	237	148
063806AA F	Collins 2	Collins 2	305	244	153	290	239	150
063806AA F	Collins 3	Collins 3	469	375	235	446	368	230
063806AA F	Collins 4	Collins 4	290	232	145	275	227	142
063806AA F	Collins 5	Collins 5	458	366	229	435	359	224
031600AIN	Crawford 7	Crawford 7	365	292	183	347	286	179
031600AIN	Crawford 8	Crawford 8	463	370	232	440	363	227
031600AM I	Fisk 19	Fisk 19	523	418	262	497	410	256
031600AM I	Fisk Peaker	GT 31-1	9	7	5	9	7	4

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031600AM I	Fisk Peaker	GT 31-2	9	7	5	9	7	4
031600AM I	Fisk Peaker	GT 32-1	9	7	5	9	7	4
031600AM I	Fisk Peaker	GT 32-2	9	7	5	9	7	4
031600AM I	Fisk Peaker	GT 33-1	9	7	5	8	7	5
031600AM I	Fisk Peaker	GT 33-2	9	7	5	8	7	5
031600AM I	Fisk Peaker	GT 34-1	9	7	5	8	7	5
031600AM I	Fisk Peaker	GT 34-2	9	7	5	8	7	5
197809AA O	Joliet 6	Boiler 5	119	95	60	113	93	58
197809AA O	Joliet 7	Boiler 71	455	364	228	432	357	223
197809AA O	Joliet 7	Boiler 72	709	567	355	673	556	347
197809AA O	Joliet 8	Boiler 81	748	598	374	711	587	367
197809AA O	Joliet 8	Boiler 82	497	398	249	472	390	244
179801AA A	Powerton 5	Boiler 52	739	591	370	702	579	362
179801AA A	Powerton 5	Boiler 51	739	591	370	702	579	362
179801AA A	Powerton 6	Boiler 61	739	591	370	702	579	362
179801AA A	Powerton 6	Boiler 62	739	591	370	702	579	362
097190AA C	Waukegan 6	Boiler 17	199	159	100	189	156	98
097190AA C	Waukegan 7	Waukegan 7	376	301	188	357	295	184
097190AA C	Waukegan 8	Waukegan 8	667	534	334	634	523	327

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

097190AA C	Peaker	GT 31-1	5	4	3	4	4	2
097190AA C	Peaker	GT 31-2	5	4	3	5	4	2
097190AA C	Peaker	GT 32-1	5	4	3	5	4	3
097190AA C	Peaker	GT 32-2	5	4	3	5	4	3
197810AA K	Will County 1	Will County 1	364	291	182	346	285	178
197810AA K	Will County 2	Will County 2	354	283	177	336	278	173
197810AA K	Will County 3	Will County 3	449	359	225	427	352	220
197810AA K	Will County 4	Will County 4	766	613	383	728	601	375
Midwest Generation Totals			11,926	9,541	5,963	11,330	9,350	5,844

## Dom. Energy

021814AA B	Kincaid 1	Kincaid 1	792	634	396	752	621	388
021814AA B	Kincaid 2	Kincaid 2	873	698	437	829	684	428
Dom. Energy Totals			1,665	1,332	833	1,581	1,305	816

## El. Energy Inc.

127855AA C	Joppa 1	Joppa 1	481	385	241	457	377	236
127855AA C	Joppa 2	Joppa 2	515	412	258	489	404	252
127855AA C	Joppa 3	Joppa 3	513	410	257	487	402	251
127855AA C	Joppa 4	Joppa 4	384	307	192	365	301	188
127855AA C	Joppa 5	Joppa 5	463	370	232	440	363	227
127855AA C	Joppa 6	Joppa 6	524	419	262	498	411	257
El. Energy Inc. Totals			2,880	2,304	1,440	2,736	2,258	1,411

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## DMG

157851AA A	Baldwin 1	Baldwin 1	1,114	891	557	1,058	873	546
157851AA A	Baldwin 2	Baldwin 2	931	745	466	884	730	456
157851AA A	Baldwin 3	Baldwin 3	1,318	1,054	659	1,252	1,034	646
125804AA B	Havana 1-5	Boiler 1	0	0	0	0	0	0
125804AA B	Havana 1-5	Boiler 2	0	0	0	0	0	0
125804AA B	Havana 1-5	Boiler 3	0	0	0	0	0	0
125804AA B	Havana 1-5	Boiler 4	0	0	0	0	0	0
125804AA B	Havana 1-5	Boiler 5	0	0	0	0	0	0
125804AA B	Havana 1-5	Boiler 6	0	0	0	0	0	0
125804AA B	Havana 1-5	Boiler 7	0	0	0	0	0	0
125804AA B	Havana 1-5	Boiler 8	0	0	0	0	0	0
125804AA B	Havana 6	Boiler 9	547	438	274	520	429	268
155010AA A	Hennepin 1	Hennepin 1	149	119	75	142	117	73
155010AA A	Hennepin 2	Hennepin 2	540	432	270	513	423	265
183814AA A	Vermilion 1	Vermilion 1	17	14	9	16	13	8
183814AA A	Vermilion 2	Vermilion 2	31	25	16	30	24	15
119020AA E	Wood River 1	Wood River 1	0	0	0	0	0	0
119020AA E	Wood River 2	Wood River 2	0	0	0	0	0	0



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

119020AA E	Wood River 3	Wood River 3	0	0	0	0	0	0	0	0
119020AA E	Wood River 4	Wood River 4	219	175	110	208	172	107		
119020AA E	Wood River 5	Wood River 5	714	571	357	678	560	350		
DMG Totals			5,580	4,464	2,790	5,301	4,375	2,734		

## SIPCO

119856AA C	Marion 1	Marion 1	14	11	7	13	11	7		
119856AA C	Marion 2	Marion 2	10	8	5	10	8	5		
119856AA C	Marion 3	Marion 3	30	24	15	29	23	15		
119856AA C	Marion 4	Marion 4	511	409	256	485	401	250		
SIPCO Totals			565	452	283	537	443	277		

## Union Electric

119105AA A	Turbine	Turbine	4	3	2	4	3	2		
119105AA A	Venice 1	Venice 1	10	8	5	9	8	5		
119105AA A	Venice 2	Venice 2	13	10	7	12	10	6		
119105AA A	Venice 3	Venice 3	6	5	3	6	5	3		
119105AA A	Venice 4	Venice 4	7	6	4	7	5	4		
119105AA A	Venice 5	Venice 5	15	12	8	14	12	7		
119105AA A	Venice 6	Venice 6	16	13	8	15	13	8		
119105AA A	Venice 7	Venice 7	2	2	1	2	1	1		
119105AA A	Venice 8	Venice 8	2	2	1	2	2	1		
Union Electric Totals			75	60	38	71	59	37		

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

TOTAL	30,701	24,561	15,351	29,166	24,070	15,044
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(Source: Added at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Proposed Action:  
140.494 New Section
- 4) Satutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: These proposed amendments to the Department's administrative rules concerning medical payment describe record requirements for medical transportation services. These new requirements are intended to provide clear record keeping requirements for transportation providers that are consistent with the Handbook for Transportation Providers and to ensure that the record requirements are enforceable. Reports from the Department's Office of Inspector General have shown a high rate of payment discrepancies for medical transportation services, including overpayment for non-emergency transportation, as compared to other provider groups. These new provisions are expected to establish clear record keeping criteria for transportation services that will permit meaningful audit and review by the Department.

The budgetary effect of these proposed amendments is unknown, but the Department anticipates that the new requirements will reduce the instances of overpayment for medical transportation services.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.11	Amendment	June 30, 2000 (24 Ill. Reg. 8800)
140.12	Amendment	June 30, 2000 (24 Ill. Reg. 8800)
140.21	Amendment	June 30, 2000 (24 Ill. Reg. 8800)
140.445	Amendment	July 14, 2000 (24 Ill. Reg. 10058)
140.474	Amendment	July 14, 2000 (24 Ill. Reg. 10058)
140.502	Amendment	June 30, 2000 (24 Ill. Reg. 8800)
140.503	Amendment	June 30, 2000 (24 Ill. Reg. 8800)
140.505	Amendment	June 30, 2000 (24 Ill. Reg. 8800)
140.506	Amendment	June 30, 2000 (24 Ill. Reg. 8800)
140.700	Amendment	June 30, 2000 (24 Ill. Reg. 8800)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to

Joanne Jones  
Office of the General Counsel  
Rules Section  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002  
(217)524-0081.

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40]. These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Businesses that provide medical transportation services, including ambulances, medicar vehicles, helicopters, taxicabs and common carriers

B) Reporting, bookkeeping or other procedures required for compliance: New record requirements for medical transportation services are specified in these proposed amendments

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on Which this Rulemaking Was Summarized: These proposed amendments were not included on either of the two most recent agendas because: This rulemaking was not anticipated by the Department when the most recent regulatory agendas were published.



DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140  
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section	Incorporation By Reference
140.1	Medical Assistance Programs
140.2	Covered Services Under Medical Assistance Programs
140.3	Covered Medical Services Under AFDC-WANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.4	Covered Medical Services Under General Assistance
140.5	Medical Services Not Covered
140.6	Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.7	Medical Assistance For Qualified Severely Impaired Individuals
140.8	Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-WANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.9	Medical Assistance Provided to Incarcerated Persons
140.10	

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section	Enrollment Conditions for Medical Providers
140.11	Participation Requirements for Medical Providers
140.12	Definitions
140.13	Denial of Application to Participate in the Medical Assistance Program
140.14	Recovery of Money
140.15	Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.16	Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17	Effect of Termination on Individuals Associated with Vendor
140.18	Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.19	Submittal of Claims
140.20	Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.21	Magnetic Tape Billings
140.22	Payment of Claims
140.23	Payment Procedures
140.24	Overpayment or Underpayment of Claims
140.25	Payment to Factors Prohibited
140.26	

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

140.27	Assignment of Vendor Payments
140.28	Record Requirements for Medical Providers
140.30	Audits
140.31	Emergency Services Audits
140.32	Prohibition on Participation, and Special Permission for Participation
140.33	Publication of List of Terminated, Suspended or Barred Entities
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
140.41	Prior Approval in Cases of Emergency
140.42	Limitation on Prior Approval
140.43	Post Approval for items or Services When Prior Approval Cannot Be Obtained
140.55	Recipient Eligibility Verification (REV) System
140.71	Reimbursement for Medical Services Through the Use of a C-13 Invoice
140.72	Voucher Advance Payment and Expedited Payments
140.73	Drug Manual (Recodified)
	Drug Manual Updates (Recodified)
SUBPART C: PROVIDER ASSESSMENTS	
Section	
140.80	Hospital Provider Fund
140.82	Developmentally Disabled Care Provider Fund
140.84	Long Term Care Provider Fund
140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95	Hospital Services Trust Fund
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation on Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
140.104	Bone Marrow Transplants (Recodified)
140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
140.375	Exemptions (Recodified)
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.398	Hearings (Recodified)
SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES	
Section	
140.400	Payment to Practitioners, Nurses and Laboratories
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services
140.418	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for Prescriptions and Dispensing Items - Dentists
140.425	Podiatry Services
140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing Items - Podiatry
140.428	Chiropractic Services

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.479 Limitations, Medical Supplies  
 140.480 Equipment Rental Limitations  
 140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids  
 140.482 Family Planning Services  
 140.483 Limitations on Family Planning Services  
 140.484 Payment for Family Planning Services  
 140.485 Healthy Kids Program  
 140.486 Limitations on Medichex Services (Repealed)  
 140.487 Healthy Kids Program Timeliness Standards  
 140.488 Periodicity Schedule, Immunizations and Diagnostic Laboratory Procedures  
 140.490 Medical Transportation  
 140.491 Limitations on Medical Transportation  
 140.492 Payment for Medical Transportation  
 140.493 Payment for Helicopter Transportation  
 140.494 Record Requirements for Medical Transportation Services  
 140.495 Psychological Services  
 140.496 Payment for Psychological Services  
 140.497 Hearing Aids

SUBPART E: GROUP CARE

Section  
 140.500 Long Term Care Services  
 140.502 Cessation of Payment at Federal Direction  
 140.503 Cessation of Payment for Improper Level of Care  
 140.504 Cessation of Payment Because of Termination of Facility  
 140.505 Continuation of Payment Because of Threat To Life (Repealed)  
 140.506 Provider Voluntary Withdrawal  
 140.507 Continuation of Provider Agreement  
 140.510 Determination of Need for Group Care  
 140.511 Long Term Care Services Covered by Department Payment  
 140.512 Utilization Control  
 140.513 Utilization Review Plan (Repealed)  
 140.514 Certifications and Recertifications of Care  
 140.515 Management of Recipient Funds--personal Allowance Funds  
 140.516 Recipient Management of Funds  
 140.517 Correspondent Management of Funds  
 140.518 Facility Management of Funds  
 140.519 Use or Accumulation of Funds  
 140.520 Management of Recipient Funds--Local Office Responsibility  
 140.521 Room and Board Accounts  
 140.522 Reconciliation of Recipient Funds  
 140.523 Bed Reserves  
 140.524 Cessation of Payment Due to Loss of License  
 140.525 Quality Incentive Program (QUIP) Payment Levels  
 140.526 Quality Incentive Standards and Criteria for the Quality Incentive

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.429 Limitations on Chiropractic Services (Repealed)  
 140.430 Independent Clinical Laboratory Services  
 140.431 Services Not Covered by Independent Clinical Laboratories  
 140.432 Limitations on Independent Clinical Laboratory Services  
 140.433 Payment for Clinical Laboratory Services  
 140.434 Record Requirements for Independent Clinical Laboratories  
 140.435 Nurse Services  
 140.436 Limitations on Nurse Services  
 140.438 Imaging Centers  
 140.440 Pharmacy Services  
 140.441 Pharmacy Services Not Covered  
 140.442 Prior Approval of Prescriptions  
 140.443 Filling of Prescriptions  
 140.444 Compounded Prescriptions  
 140.445 Legend Prescription Items (Not Compounded)  
 140.446 Over-the-Counter Items  
 140.447 Reimbursement  
 140.448 Returned Pharmacy Items  
 140.449 Payment of Pharmacy Items  
 140.450 Record Requirements for Pharmacies  
 140.451 Prospective Drug Review and Patient Counseling  
 140.452 Mental Health Clinic Services  
 140.453 Definitions  
 140.454 Types of Mental Health Clinic Services  
 140.455 Payment for Mental Health Clinic Services  
 140.456 Hearings  
 140.457 Therapy Services  
 140.458 Prior Approval for Therapy Services  
 140.459 Payment for Therapy Services  
 140.460 Clinic Services  
 140.461 Clinic Participation, Data and Certification Requirements  
 140.462 Covered Services in Clinics  
 140.463 Clinic Service Payment  
 140.464 Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)  
 140.465 Speech and Hearing Clinics (Repealed)  
 140.466 Rural Health Clinics  
 140.467 Independent Clinics  
 140.469 Hospice  
 140.470 Home Health Services  
 140.471 Home Health Covered Services  
 140.472 Types of Home Health Services  
 140.473 Prior Approval for Home Health Services  
 140.474 Payment for Home Health Services  
 140.475 Medical Equipment, Supplies and Prosthetic Devices  
 140.476 Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made  
 140.477 Limitations on Equipment, Supplies and Prosthetic Devices  
 140.478 Prior Approval for Medical Equipment, Supplies and Prosthetic Devices



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

140.557	Programs (OUP) (Repealed)
140.558	Quality Incentive Survey (Repealed)
140.559	Payment of Quality Incentive (Repealed)
140.560	Revisions (Repealed)
140.561	Basic of Payment for Long Term Care Services
140.562	General Services Costs
140.563	Health Care Costs
140.564	General Administration Costs
140.565	Consent Costs
140.566	Costs for Intake, Taxes and Rent
140.567	Delegation and Co-Operating Costs
140.568	Payments to Related Organizations
140.569	Special Costs
140.570	Reimbursement for Basic Nursing Assistant, Developmental Disabilities
140.571	Alder, Basic Child Care, Adult and Rehabilitation Also Training and
140.572	Nursing Assistant Competency Evaluation
140.573	Costs Associated with Nursing Home Care Reform Act and Implementing
140.574	Regulations
140.575	Salaries Paid to Owners or Related Parties
140.576	Cost Reports, Filing Requirements
140.577	Time Standards for Filing Cost Reports
140.578	Assess to Cost Reports (Repealed)
140.579	Penalty for Failure to File Cost Reports
140.580	Update of Operating Costs
140.581	General Service Costs
140.582	Nursing and Program Costs
140.583	General Administrative Costs
140.584	Component Calculation Index
140.585	Minimum Wage
140.586	Component of the Base Rate Determination
140.587	Support Costs Component
140.588	Nursing Costs
140.589	Capital Costs
140.590	Kitchen Reimbursement
140.591	Level of Incentive Payments (Repealed)
140.592	Duration of Incentive Payments (Repealed)
140.593	Client with Exceptional Care Needs
140.594	Capital Rate Component Determination
140.595	Capital Rate Calculation
140.596	Total Capital Rate
140.597	Other Capital Rate
140.598	Capital Rates for Rented Facilities
140.599	Newly Constructed Facilities (Repealed)
140.600	Renovations (Repealed)
140.601	Capital Costs for Rented Facilities (Renumbered)
140.602	Property Taxes
140.603	Specialized Living Centers

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

140.580	Mandated Capital Improvements (Repealed)
140.581	Qualifying as Mandated Capital Improvement (Repealed)
140.582	Cost Adjustments
140.583	Campus Facilities
140.584	Illinois Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements
140.591	Screening Assessment for Nursing Facility and Alternative Residential
140.592	Settings and Services
140.593	In-Home Care Program
140.594	Home and Community Based Services Waivers for Medically Fragile,
140.595	Technology Dependent, Disabled Persons Under Age 21
140.596	Reimbursement for Developmental Training (DT) Services for
140.597	Individuals with Developmental Disabilities Who Reside in Long Term
140.598	Care (ICF AND SNF) and Residential (ICF/MR) Facilities
140.599	Description of Developmental Training (DT) Services
140.600	Determination of the Amount of Reimbursement for Developmental
140.601	Training (DT) Programs
140.602	Effective Dates of Reimbursement for Developmental Training (DT)
140.603	Programs
140.604	Certification of Developmental Training (DT) Programs
140.605	Decertification of Day Programs
140.606	Terms of Assurances and Contracts
140.607	Effective Date of Payment Rate
140.608	Discharge of Long Term Care Residents
140.609	Appeals of Rate Determinations
140.610	Determination of Cap on Payments for Long Term Care (Repealed)

## SUBPART F: MEDICAID PARTNERSHIP PROGRAM

Section	General Description (Repealed)
140.850	Definition of Terms (Repealed)
140.851	Covered Services (Repealed)
140.852	Sponsor Qualifications (Repealed)
140.853	Sponsor Responsibilities (Repealed)
140.854	Department Responsibilities (Repealed)
140.855	Provider Qualifications (Repealed)
140.856	Provider Responsibilities (Repealed)
140.857	Payment Methodology (Repealed)
140.858	Contract Monitoring (Repealed)
140.859	Reimbursement For Program Costs (Active Treatment) For Clients In
140.860	Long Term Care Facilities For the Developmentally Disabled
140.861	(Repealed)
140.862	Reimbursement For Nursing Costs For Geriatric Residents in Group Care
140.863	Facilities (Repealed)
140.864	Functional Areas of Needs (Repealed)
140.865	Service Needs (Repealed)
140.866	Definitions (Repealed)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)

## SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section	General Description
140.920	Covered Services
140.922	Maternal and Child Health Provider Participation Requirements
140.924	Client Eligibility (Repealed)
140.926	Client Enrollment and Program Components (Repealed)
140.928	Reimbursement
140.930	Payment Authorization for Referrals (Repealed)
140.932	

## SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT

## EQUITY (ICARE) PROGRAM

Section	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.940	
140.942	Definition of Terms (Recodified)
140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
140.948	Negotiation Procedures (Recodified)
140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)
140.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)
140.968	Validity of Contracts (Recodified)
140.970	Termination of ICARE Contracts (Recodified)
140.972	Hospital Services Procurement Advisory Board (Recodified)

TABLE A	Medichex Recommended Screening Procedures (Repealed)
TABLE B	Geographic Areas

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

TABLE C	Capital Cost Areas
TABLE D	Schedule of Dental Procedures
TABLE E	Time Limits for Processing of Prior Approval Requests
TABLE F	Podiatry Service Schedule
TABLE G	Travel Distance Standards
TABLE H	Areas of Major Life Activity
TABLE I	Staff Time and Allocation for Training Programs (Recodified)
TABLE J	HSA Grouping (Repealed)
TABLE K	Services Qualifying for 10% Add-On (Repealed)
TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
TABLE M	Enhanced Rates for Maternal and Child Health Provider Services

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17999; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days;







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emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22883, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill.

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at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993;

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Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

**Section 140.494 Record Requirements for Medical Transportation Services**

- a) The record must, at a minimum, contain a dispatcher's log and individual trip tickets that document:
- 1) Identification of the participant (name, address and Recipient Identification Number);
  - 2) Name and address or facility name of person requesting service;
  - 3) A copy of Transportation Prior Approval Request, when applicable;
  - 4) A copy of the Transportation Invoice;
  - 5) Identification of the type of vehicle used (for example ambulance, medicar, service car) and the vehicle's license plate number;
  - 6) The name of the driver and attendant, if applicable; and
  - 7) Pick up and drop off address.
- b) The trip ticket must document medical necessity for the following:
- 1) Non-emergency transportation that does not require prior approval;
  - 2) Use of an ambulance;
  - 3) Administration of oxygen; and
  - 4) Use of an attendant or stretcher by a medicar.
- c) Advanced Life Support transportation services must also maintain a copy of the Emergency Medical Services Run Sheets or other forms as required by the Illinois Department of Public Health.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

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- 1) Heading of the Part: Ambulatory Surgical Treatment Center Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 205
- 3) Section Numbers:  
205.240  
205.1330  
Proposed Action:  
Amendment  
Amendment
- 4) Statutory Authority: Ambulatory Surgical Treatment Center Act [210 ILCS 5]
- 5) A Complete Description of the Subjects and Issues Involved: Section 205.240 is being amended to require approval of the policies and procedures manual by the "Governing Board or equivalent" rather than the consulting committee.  
  
Section 205.1330 is being amended to permit structural, mechanical, and electrical drawings to be executed by or be under the immediate supervision of a professional engineer registered in the State of Illinois.  
  
The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.  
  
The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.
- 6) Will this Rulemaking Replace an Emergency Amendment Currently in Effect?  
No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain Any Incorporations By Reference? No
- 9) Are there any other Proposed Amendments Pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.
- 11) me, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules, within 45 days after this issue of the *Illinois Register*, by writing to:

Paul Thompson  
Division of Legal Services  
Illinois Department of Public Health

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535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
(217/782-2043)  
e-mail: rules@idph.state.il.us

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Paul Thompson at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: Ambulatory Surgical Treatment Centers

B) Reporting, Bookkeeping or Other Procedures Required for Compliance:  
None

C) Types of Professional Skills Necessary for Compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: It was not anticipated.

The full text of the Proposed Amendments begins on the next page:

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## NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER b: HOSPITAL AND AMBULATORY CARE FACILITIES

## PART 205

## AMBULATORY SURGICAL TREATMENT CENTER LICENSING REQUIREMENTS

## SUBPART A: GENERAL

Section	Definitions
205.110	Incorporated and Referenced Materials
205.115	Conditions of Licensure
205.118	Application for Initial Licensure
205.120	Application for License Renewal
205.125	Approval of Surgical Procedures
205.130	

## SUBPART B: OWNERSHIP AND MANAGEMENT

Section	Ownership, Control and Management
205.210	Organizational Plan
205.220	Standards of Professional Work
205.230	Policies and Procedures Manual
205.240	

## SUBPART C: PERSONNEL

Section	Personnel Policies
205.310	Presence of Qualified Physician
205.320	Nursing Personnel
205.330	Basic Life Support
205.340	Laboratory Services
205.350	

## SUBPART D: EQUIPMENT, SUPPLIES, AND FACILITY MAINTENANCE

Section	Equipment
205.410	Sanitary Facility
205.420	

## SUBPART E: GENERAL PATIENT CARE

Section	Emergency Care
205.510	Preoperative Care
205.520	Operative Care
205.530	Postoperative Care
205.540	



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## SUBPART F: RECORDS AND REPORTS

Section  
205.610  
205.620

Clinical Records  
Statistical Data

## SUBPART G: LIMITED PROCEDURE SPECIALTY CENTERS

Section  
205.710  
205.720  
205.730  
205.740  
205.750  
205.760

Pregnancy Termination Specialty Centers  
Personnel (Repealed)  
General Patient Care (Repealed)  
Preoperative Requirements (Repealed)  
Postoperative Requirements (Repealed)  
Reports (Repealed)

## SUBPART H: LICENSURE PROCEDURES

Section  
205.810  
205.820  
205.830  
205.840  
205.850  
205.860

Complaints  
Notice of Violation  
Plan of Correction  
Adverse Licensure Action  
Fines and Penalties  
Hearings

SUBPART I: BUILDING DESIGN, CONSTRUCTION STANDARDS, AND  
PHYSICAL REQUIREMENTS

Section  
205.1310  
205.1320  
205.1330  
205.1340  
205.1350  
205.1360  
205.1370  
205.1380  
205.1390  
205.1400  
205.1410

Plant and Service Requirements  
General Considerations  
New Construction, Additions and Major Alterations  
Minor Alterations and Remodeling Changes  
Administration Department and Public Areas  
Clinical Facilities  
Support Service Areas  
Diagnostic Facilities  
Other Building Services  
Details and Finishes  
Construction, Including Fire Resistive Requirements, and Life Safety

## SUBPART J: MECHANICAL

Section  
205.1510  
205.1520  
205.1530

General  
Thermal and Acoustical Insulation  
Steam and Hot Water Systems

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## 205.1540 Air Conditioning, Heating and Ventilating Systems

## SUBPART K: PLUMBING AND OTHER PIPING SYSTEMS

Section  
205.1610  
205.1620  
205.1630  
205.1640  
205.1650

General  
Plumbing Fixtures  
Water System  
Drainage Systems  
Identification

## SUBPART L: ELECTRICAL

Section  
205.1710  
205.1720  
205.1730  
205.1740  
205.1750  
205.1760  
205.1770  
205.1780  
205.1790

General  
Switchboards and Power Panels  
Panelboards  
Lighting  
Receptacles (Convenience Outlets)  
Grounding  
Equipment Installation in Special Areas  
Emergency Electric Service  
Fire Alarm System

TABLE A General Pressure Relationships and Ventilation Rates of  
Ambulatory Surgery Area

AUTHORITY: Implementing and authorized by the Ambulatory Surgical Treatment Center Act [210 ILCS 5].

SOURCE: Amended July 18, 1974; emergency amendment at 3 Ill. Reg. 10, p. 43, effective February 23, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 30, p. 371, effective July 23, 1979; amended at 5 Ill. Reg. 12756, effective November 4, 1981; amended at 6 Ill. Reg. 6220, 6225, and 6226, effective May 17, 1982; amended at 6 Ill. Reg. 10974, effective August 30, 1982; amended at 6 Ill. Reg. 13337, effective October 20, 1982; amended at 7 Ill. Reg. 7640, effective June 14, 1983; codified at 8 Ill. Reg. 9367; amended at 9 Ill. Reg. 12014, effective July 23, 1985; amended at 10 Ill. Reg. 8806, effective June 1, 1986; amended at 10 Ill. Reg. 21906, effective January 15, 1987; amended at 11 Ill. Reg. 14786, effective October 1, 1987; amended at 12 Ill. Reg. 3743, effective February 15, 1988; amended at 12 Ill. Reg. 15573, effective October 1, 1988; amended at 13 Ill. Reg. 16025, effective November 1, 1989; emergency amendment at 14 Ill. Reg. 5596, effective March 26, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13802, effective August 15, 1990; amended at 15 Ill. Reg. 17770, effective December 1, 1991; amended at 17 Ill. Reg. 3507, effective March 3, 1993; amended at 18 Ill. Reg. 11939, effective July 22, 1994; amended at 18 Ill. Reg. 17250, effective December 1, 1994; amended at 22 Ill. Reg. 9335, effective May 20, 1998; amended at 22 Ill. Reg. 22019,

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effective December 4, 1998; amended at 24 Ill. Reg. 2691, effective February 18, 2000; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: OWNERSHIP AND MANAGEMENT

## Section 205.240 Policies and Procedures Manual

The management/owner of the ambulatory surgical treatment center shall formulate a written policies and procedures manual. This shall be done in cooperation with the medical and professional staff and shall be approved by the Governing Board or equivalent consulting committee. These procedures shall provide for the acceptance, care, treatment, anesthesia services, discharge, referral, and follow-up of all patients and all incidental operations of the facility. This manual shall be available to all staff in the center and shall be followed by them at all times in the performance of their duties.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## SUBPART I: BUILDING DESIGN, CONSTRUCTION STANDARDS, AND PHYSICAL REQUIREMENTS

## Section 205.1330 New Construction, Additions and Major Alterations

Requirements and procedures for new construction, additions, and major alterations are as follows:

- a) Preliminary drawings and outline specifications whether for new construction or for substantial alterations, shall be submitted to the Department with a program narrative description for review and approval prior to starting final working drawings and specifications.
- b) The final working drawings and specifications shall be submitted to the Department for review and approval prior to release of contract documents for bidding. Change orders that which affect scope and/or function shall be submitted for approval prior to execution.
- c) The Department shall be notified of the award of contracts, and when construction has been completed. Approval by the Department prior to occupancy is required.
- d) The preparation and submission of drawings and specifications shall be executed by, or under the immediate supervision of an architect registered in the State of Illinois. Structural, mechanical, and electrical drawings may be executed by or be under the immediate supervision of a professional engineer registered in the State of Illinois.
- e) First stage submission. Design Development Drawings and Outline Specifications.
- f) The Development--of--the preliminary sketch plans shall indicate indicating in detail the assignment of all spaces, size of areas and

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rooms, indicating in outline, the fixed and movable equipment and furniture.

- 1) The plans shall be drawn at a scale sufficiently large to clearly present the proposed design.
  - 2) The drawings shall include:
    - A) a plan of each floor including the basement or ground floor,
    - B) plan showing roads, parking areas, sidewalks, etc.,
    - C) elevations of all facades,
    - D) sections through the building, and
    - E) and all adjacent areas clearly labeled if addition or alteration.
  - 3) The total gross floor area shall be shown on the drawings.
  - 4) Outline specifications shall provide a general description of the construction including finishes; acoustical material, its extent and type; heating and ventilating systems; and the type of elevators.
  - 5) A brief narrative of the proposed program shall be included.
- g) Second stage submission. Working Drawings and Specifications.
- All working drawings shall be well prepared so that clean and distinct prints may be obtained, and shall be accurately dimensioned and shall include all necessary explanatory notes, schedules and legends. Working drawings shall be complete and adequate for contract purposes. Separate drawings shall be prepared for each of the following branches of work: Architectural, Structural, Mechanical, Electrical. They shall include or contain the following:
- 1) Architectural Drawings.
    - A) Site plan showing all new topography, newly established levels and grades, existing structures on the site (if any), new buildings and structures, roadways, walks, and the extent of the areas to be landscaped. All structures and improvements that which are to be removed under the construction contract shall be shown.
    - B) Plan of each floor.
    - C) Elevations of each facade.
    - D) Sections through building.
    - E) If elevators and dumbwaiters are provided, drawings are required showing shaft details and dimensions, sizes of cab platforms and doors, travel distances including elevation height of landings, pit sizes, and machine rooms.
    - F) Special care areas, and similar areas shall be detailed at a scale to show the location, type, size and connection of all fixed and movable equipment.
    - G) Schedule of finishes.
  - 2) Structural Drawings.
    - A) Plans of foundations, floors, roofs and all intermediate levels shall show a complete design with sizes, sections, and the relative location of the various members. Schedule of beams, girders and columns.

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- B) Floor levels, column centers, and off-sets shall be dimensioned.
- C) Special openings and pipe sleeves shall be dimensioned or otherwise noted for easy reference.
- D) Details of all special connections, assemblies and expansion joints shall be given.
- E) Notes on design data shall include the name of the governing building code, values or allowable unit stresses, assumed live loads, including wind loads, earthquake load, and soil bearing pressures.
- 3) Mechanical Drawings. These drawings with specifications shall show the complete heating, cooling and ventilation systems; plumbing, drainage, stand pipe, and sprinkler systems;
- A) Heating, Cooling and Ventilation.
- i) Any radiators, coils and steam heated equipment, such as sterilizers.
- ii) Heating and steam mains and branches with pipe sizes.
- iii) Diagram of heating and steam risers with pipe sizes.
- iv) Sizes, types and heating surfaces of boilers, furnaces, with stokers and oil burners, if any.
- v) Pumps, tanks, boiler breeching and piping and boiler room accessories.
- vi) Air conditioning systems with required equipment, water and refrigerant piping, and ducts.
- vii) Supply and exhaust ventilating systems with connections and piping.
- viii) Air quantities for all room supply and exhaust ventilating duct openings.
- B) Plumbing, Drainage and Stand Pipe Systems.
- i) Size and elevation of: street sewer, house sewer, house drains, street water main and water service into the building.
- ii) Location and size of soil, waste, and vent stacks with connections to house drains, cleanouts, fixtures and equipment.
- iii) Size and location of hot, cold and circulating mains, branches, and risers from the service entrance, and tanks.
- iv) Riser diagram of all plumbing stacks with vents, water risers and fixture connections.
- v) Any gas, oxygen and similar piped systems.
- vi) Any sandpipe and sprinkler systems.
- vii) All fixtures and equipment that require water and drain connections.
- 4) Electrical Drawings. Drawings shall show all electrical wiring, outlets, and equipment that which require electrical connections.
- A) Electrical service entrance with switches and feeders to the public service feeders, characteristics of the light and

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- power current, transformers and their connections if located in the building.
- B) Location of main switchboard, power panels, light panels and equipment. Feeder and conduit sizes shall be shown with schedule of feeder breakers or switches.
- C) Light outlets, receptacles, switches, power outlets, and circuits.
- D) Telephone layout showing service entrance, telephone switchboard, strip boxes, telephone outlets and branch conduits as approved by the telephone company. Where public telephones are used for inter-communication, provide separate room and conduits for racks and automatic switching equipment shall be provided as required by the telephone company.
- E) Fire alarm system with stations, signal devices, control board and wiring diagrams.
- F) Emergency electrical system with outlets, transfer switch, source of supply, feeders, and circuits as required by the approved program as required under the electrical requirements of this Part ~~part of these Standards~~.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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1) Heading of the Part: Illinois Home Health Agency Code

2) Code Citation: 77 Ill. Adm. Code 245

3) Section Numbers: Proposed Action:  
245.50 Amendments  
245.70 Amendments

4) Statutory Authority: Home Health Agency Licensing Act [210 ILCS 55]

5) A Complete Description of the Subjects and Issues Involved:

The rules in Part 245 establish licensure requirements for home health agencies in Illinois.

Section 245.50 is being amended to allow an initial assessment by a therapist in circumstances where the physician has ordered only therapy services. In addition, a provision is being added to allow a discharge summary to suffice as documentation to close the patient record for one-time visits and short-term or event-focused or diagnosis-focused interventions.

Section 245.70 is being amended to achieve consistency with the requirements for long-term care nursing assistants and to add requirements for the home health aide competency test. The rules are also being amended to clarify that a home health aide must be trained prior to employment.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

6) Will this Rulemaking Replace an Emergency Rulemaking Currently in Effect?  
No

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Does this Rulemaking Contain Any Incorporations By Reference? No

9) Are there any other Proposed Amendments Pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
245.70	Amendments	24 Ill. Reg. 4119
245.72	Amendments	24 Ill. Reg. 4119

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10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules, within 45 days after this issue of the *Illinois Register*, by writing to:

Mr. Paul Thompson, Division of Legal Services  
Illinois Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
217/782-2043  
rules@idph.state.il.us

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Paul Thompson at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: Home health agencies

B) Reporting, Bookkeeping or Other Procedures Required for Compliance:  
None

C) Types of Professional Skills Necessary for Compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking did not appear on the most recent regulatory agenda because: the need for the rulemaking was not apparent at that time.

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
 CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH  
 SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

## PART 245

## ILLINOIS HOME HEALTH AGENCY CODE

## SUBPART A: GENERAL PROVISIONS

Section  
 245.10 Purpose  
 245.20 Definitions  
 245.25 Incorporated and Referenced Materials

## SUBPART B: OPERATIONAL REQUIREMENTS

Section  
 245.30 Organization and Administration  
 245.40 Staffing and Staff Responsibilities  
 245.50 Services  
 245.60 Annual Financial Statement  
 245.70 Home Health Aide Training  
 245.72 Health Care Worker Background Check

## SUBPART C: LICENSURE PROCEDURES

Section  
 245.80 Licensure Required  
 245.90 License Application  
 245.100 Provisional License  
 245.110 Inspections and Investigations  
 245.120 Violations  
 245.130 Adverse Licensure Actions  
 245.140 Penalties and Fines  
 245.150 Hearings

**AUTHORITY:** Implementing and authorized by the Home Health Agency Licensing Act [210 ILCS 55].

**SOURCE:** Adopted at 2 Ill. Reg. 31, p. 77, effective August 2, 1978; emergency amendment at 3 Ill. Reg. 38, p. 314, effective September 7, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 40, p. 153, effective October 6, 1979; emergency amendment at 4 Ill. Reg. 18, p. 129, effective April 21, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 40, p. 56, effective September 23, 1980; emergency amendment at 6 Ill. Reg. 5855, effective April 28, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11006, effective August 30, 1982; amended at 7 Ill. Reg. 13665, effective October 4, 1983; codified at 8 Ill. Reg. 16829; amended at 9 Ill. Reg. 4836, effective April 1, 1985; amended at 14

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Ill. Reg. 2382, effective February 15, 1990; amended at 15 Ill. Reg. 5376, effective May 1, 1991; amended at 18 Ill. Reg. 2414, effective January 22, 1994; emergency amendments at 20 Ill. Reg. 488, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 3273, effective February 15, 1996; amended at 20 Ill. Reg. 10033, effective July 15, 1996; amended at 22 Ill. Reg. 3948, effective February 13, 1998; amended at 22 Ill. Reg. 22050, effective December 10, 1998; amended at 23 Ill. Reg. 1028, effective January 15, 1999; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: OPERATIONAL REQUIREMENTS

## Section 245.50 Services

## a) Services Provided

- 1) Each agency shall provide skilled nursing service and at least one other home health service on a part-time or intermittent basis. The basic skilled nursing service shall be provided directly by agency staff. Other home health services may be provided by agency staff directly or through a contractual purchase of services. Additional skilled specialty nursing services and use of additional nursing staff to meet changes in caseload may be provided by contract. All services shall be provided in accordance with the orders of the patient's physician or podiatrist, under a plan of treatment established by such physician or podiatrist, and under the supervision of agency staff.
- 2) The agency shall state in writing what services will be provided directly and what services will be provided under contractual arrangements.
- 3) Services provided under contractual arrangements shall be through a written agreement that includes but is not limited to the following:
  - A) Services to be provided.
  - B) Provision for adherence to all applicable agency policies and personnel requirements, including requirements for initial health evaluations and employee health policies.
  - C) Designation of full responsibility for agency control over contracted services.
  - D) Procedures for submitting clinical and progress notes.
  - E) Charges for contracted services.
  - F) Statement of responsibility of liability and insurance coverage.
  - G) Period of time in effect.
  - H) Date and signatures of appropriate authorities.
  - I) Provision for termination.
- b) Acceptance of patients. Patient acceptance and discharge policies shall include but not be limited to the following:

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- 1) Persons shall be accepted for health service on a part-time or intermittent basis upon a plan of treatment established by the patient's physician or podiatrist. This plan shall be in writing within 14 days.
  - 2) Prior to acceptance, the person shall be informed of the agency's charges for the various services that it offers.
  - 3) No person shall be refused service because of age, race, color, sex, marital status, national origin or source of payment. An agency is not required to accept a patient whose source of payment is less than the cost of the service.
  - 4) Patients are accepted for treatment on the basis of a reasonable expectation that the patient's medical, nursing, and social needs can be met adequately by the agency in the patient's place of residence.
  - 5) When services are to be terminated by the home health agency, the patient is to be notified three working days in advance of the date of termination, stating the reason for termination. This information shall be documented in the clinical record. When indicated, a plan shall be developed or a referral made for any continuing care.
  - 6) Services shall not be terminated until such time as the registered nurse, the appropriate therapist, or both, in consultation with the patient's physician or podiatrist, deem it appropriate or arrangements are made for continuing care.
- c) Plan of Treatment
- 1) Skilled nursing and other home health services shall be in accordance with a plan based on the patient's diagnosis and assessment of the patient's immediate and long-range needs and resources. The plan of treatment is established in consultation with the home health services team, which includes the patient's physician or podiatrist, pertinent members of the agency staff, the patient and members of the patient's family. The plan of treatment shall include:
    - A) Diagnoses.
    - B) Functional limitations and rehabilitation potential.
    - C) Expected outcomes for the patient.
    - D) The patient's physician's or podiatrist's regimen of:
      - i) Medications;
      - ii) Treatments;
      - iii) Activity;
      - iv) Diet;
      - v) Specific procedures deemed essential for the health and safety of the patient;
      - vi) Mental status;
      - vii) Frequency of visits;
      - viii) Equipment required; and
      - ix) Instructions for timely discharge or referral.
    - E) The patient's physician's or podiatrist's signature and

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- date.
- 2) Consultation with the patient's physician or podiatrist on any modifications in the plan of treatment deemed necessary shall be documented, and the patient's physician's or podiatrist's signature shall be obtained within 14 days after any modification of the medical plan of treatment.
  - 3) The plan shall be reviewed by the home health services team every 62 days or more often should the patient's condition warrant.
  - 4) An updated plan of treatment shall be given to the patient's physician or podiatrist for review, for any necessary revisions, and for signature every 62 days or more often as indicated.
- d) Patient Care Plan
- 1) Home health services from members of the agency staff as well as those under contractual arrangements shall be given in accordance with the plan of treatment and the patient care plan. The patient care plan shall be written by appropriate members of the home health services team based upon the plan of treatment and an assessment of the patient's needs, resources, family and environment. The initial assessment is to be made by a registered nurse. Assessment by other members of the health services team shall be made on orders of the patient's physician or podiatrist or by request of a registered nurse. In those circumstances where the physician has ordered only therapy services, the appropriate therapist (e.g., physical therapist or speech-language pathologist) may perform the initial assessment.
  - 2) The patient care plan shall be updated as often as the patient's condition indicates. The plan shall be maintained as a permanent part of the patient's record. The patient care plan shall indicate:
    - A) Patient problems.
    - B) Patient's goals, family's goals, service goals.
    - C) Service approaches to modify or eliminate problems.
    - D) The staff responsible for a given element of service.
    - E) Anticipated outcome of service approach with an estimated time frame for completion.
    - F) Potential for discharge from service.
- e) Clinical Records. Each patient shall have a clinical record, identifiable for home health services and maintained by the agency in accordance with accepted professional standards. Clinical records shall contain:
- 1) Appropriate identifying information for the patient, household members and caretakers, medical history and current findings.
  - 2) A plan of treatment signed by the patient's physician or podiatrist.
  - 3) A patient care plan developed by the home health services team that is in accord with the patient's physician's or podiatrist's plan of treatment.
  - 4) A noted medication list with dates reviewed, revised and date



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- sent to the patient's physician or podiatrist.
- 5) Initial and periodic patient assessments by the registered nurse, which include documentation of the patient's functional status and eligibility for service.
  - 6) Assessments made by other members of the home health services team.
  - 7) Signed and dated clinical notes for each contact, which are written the day of service and incorporated into the patient's clinical record at least weekly.
  - 8) Reports on all patient home health care conferences.
  - 9) Reports of contacts with the patient's physician or podiatrist by patient and staff.
  - 10) Indication of supervision of home health services by the supervising nurse, a registered nurse, or other members of the home health services team.
  - 11) Written summary reports sent to the patient's physician or podiatrist every 62 days containing home health services provided, the patient's status, recommendations for revision of the plan of treatment and the need for continuation or termination of services noted.
  - 12) Written and signed confirmation of the patient's physician's or podiatrist's interim verbal orders.
  - 13) A discharge summary giving a brief review of service, patient status, reason or reasons for discharge and plans for post discharge needs of the patient. A discharge summary may suffice as documentation to close the patient record for one-time visits and short-term or event-focused or diagnosis-focused interventions. The discharge summary need not be a separate piece of paper and may be incorporated into the routine summary reports already furnished to the physician.
  - 14) A copy of appropriate patient transfer information, when requested, if the patient is transferred to another health facility or health agency.
  - 15) Each agency shall have a written policy on records procedures and shall retain records for a minimum of five years beyond the last date of service provided. These procedures may include that the agency will utilize and maintain faxed copies of records from licensed professionals, rather than original records, provided that the faxed copies will be maintained on nonthermal paper and that the original records will be maintained for a period of five years by the professional who originated the records. If that professional is providing services through a contract with the agency, then the contract must include that the original records must be maintained for a period of five years by the professional.
  - 16) Those agencies which are subject to the Local Records Act should note that *except as otherwise provided by law, no public record shall be disposed of by any officer or agency unless the written*

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- approval of the appropriate Local Records Commission is first obtained.* (Section 7 of the Local Records Act [50 ILCS 205/7])
- 17) Each agency shall have a written policy and procedure for the protection of confidentiality of patient records, which explains the use of records, removal of records and release of information.
  - f) Drugs and Biologicals. The agency shall have written policies governing the supervision and administration of drugs and biologicals, which shall include but not be limited to the following:
    - 1) All orders for medications to be given shall be dated and signed by the patient's physician or podiatrist.
    - 2) All orders for medications shall contain the name of the drug, dosage, frequency, method or site of injection and permission from the patient's physician or podiatrist if the patient, the patient's family, or both are to be taught to give medications.
    - 3) The agency's physician or podiatrist or registered nurse shall check all medicines a patient may be taking to identify possible ineffective drug therapy or adverse reactions, significant side effects, drug allergies, and contraindicated medications and shall promptly report any problem to the patient's physician or podiatrist.
    - 4) All verbal orders for medication or change in medication orders shall be taken by the registered nurse, written, and signed by the patient's physician or podiatrist within 14 days.
    - 5) When any experimental drug, sera, allergenic desensitizing agent, penicillin or any other potentially hazardous drug is administered, the registered nurse administering such drugs shall have an emergency plan and any drugs and devices that may be necessary in the event of a drug reaction.
  - g) Evaluation. The home health agency shall have written policies and shall make an overall evaluation of the agency's total program at least once a year. This evaluation shall be made by the Professional Advisory Group (or a committee of this group), home health agency staff, consumers, or representation from professional disciplines that are participating in the provision of home health services. The evaluation shall consist of an overall policy and administrative review and a clinical record review. The evaluation shall assess the extent to which the agency's program is appropriate, adequate, effective and efficient. Results of the evaluation shall be reported to and acted upon by those responsible for the operation of the agency and maintained separately as administrative records.
  - h) Policy and Administrative Review. As a part of the evaluation process, the policies and administrative practices of the agency shall be reviewed to determine the extent to which they promote patient care that is appropriate, adequate, effective and efficient. Mechanisms shall be established in writing for the collection of pertinent data to assist in evaluation. The data to be considered may include but are not limited to: number of patients receiving each service

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offered, number of patient visits, reasons for discharge, breakdown by diagnosis, sources of referral, number of patients not accepted with reasons and total staff days for each service offered.

## 1) Clinical Record Review

1) At least quarterly, members of professional disciplines representing at least the scope of the agency's programs, shall review a sample of both active and closed clinical records to assure that established policies are followed in providing services (direct, as well as those under contractual arrangement). This review shall include, but not be limited to:

- A) Whether the patient care plan was directly related to the stated diagnosis and plan of treatment;
- B) Whether the frequency of visits was consistent with the plan of treatment;
- C) Whether the services could have been provided in a shorter span of time.

2) Clinical records shall be reviewed continually for each 62 day period that a patient received home health services to determine the adequacy of the plan of treatment and the appropriateness of continuing home health care.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 245.70 Home Health Aide Training

a) Each home health Home-Health agency shall ensure that all persons employed as home health aides or under any other title, whose duties are to assist with the personal, nursing or medical care of the patients, and who are not otherwise licensed, certified or registered in accordance with Illinois law to render such care, comply with one of the following conditions within 45 days of initial employment:

- 1) Is approved Provide documentation of registration on the Department's Nurse Aide Registry. "Approved" means that the home health aide has met the training or equivalency requirements of this Section and does not have a disqualifying background check without a waiver. (See Section 245.72.) Or

2) Enroll in a training program that has been approved by the Department under its rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395) and pass the Department approved nursing assistant competency examination. The program course work shall be successfully completed and the competency examination passed by the nursing assistant no later than 120 days after the date of initial employment, unless the training program is conducted by a community college or other educational institution on a term, semester, or trimester basis, or

2)3) Meet equivalencies established in subsection (b) of this

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## Section.

b) Equivalency may be established by any one of the following:

- 1) Documentation of successful completion of a training course approved by another state as evidenced by a diploma or certificate, and successful completion of the written portion of the department-established nursing assistant competency test.
- 2) Documentation of successful completion of a nursing arts course, which included at least 40 hours of supervised clinical experience, in an accredited nurse training program as evidenced by diploma, certificate or other written verification from the school, and successful completion of the written portion of the department-established nursing assistant competency test.
- 3) Documentation of successful completion of a United States military training program that includes the content of the Basic Nursing Assistant Training Program (see 77 Ill. Adm. Code 395), as evidenced by a diploma, certification DD-214, or other written verification, and successful completion of the written portion of the department-established approved nursing assistant competency evaluation.

4) Documentation of completion of a nursing program in a foreign country, including the following, and successful completion of the written portion of the Department-established competency test:

- A) A copy of the license, diploma, registration or other proof of completion of the program;
- B) A copy of the Social Security card; and
- C) Visa or proof of citizenship.

c) Requests to establish equivalency shall be submitted to the Department with accompanying documentation.

d) The home health agency Home-Health-Agency is responsible for assuring that the individuals who furnish home health aide services on its behalf are competent to carry out assigned tasks in the patient's place of residence. The competency evaluation conducted by a registered nurse in the home health agency shall address each of the following subjects:

- 1) Communication skills;
- 2) Observation, reporting and documentation of patient status and the care or service furnished;
- 3) Reading and recording temperature;
- 4) Basic infection control procedures;
- 5) Basic elements of body functioning and changes in body function that must be reported to an aide's supervisor;
- 6) Maintenance of a clean, safe and healthy environment;
- 7) Recognizing emergencies and knowledge of emergency procedures;
- 8) The physical, emotional and developmental needs of and ways to work with the populations served by the home health agency, including the need for respect for the patient, his or her privacy and his or her property.

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9) Appropriate and safe techniques in personal hygiene and grooming that include:

- A) Bed bath;
- B) Sponge, tub or shower bath;
- C) Shampoo - sink, tub, or bed;
- D) Nail and skin care;
- E) Oral hygiene;
- F) Toileting and elimination;

10) Safe transfer techniques and ambulation;

11) Normal range of motion and positioning;

12) Adequate nutrition and fluid intake; and

13) Any other task that the agency may choose to have the home health aide perform.

e) A home health agency Home-Health-Agency shall not employ an individual as a home health aide unless the Agency has inquired of the Department as to information in the Nurse Aide Registry concerning findings of abuse, neglect, or misappropriation of property.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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1) Heading of the Part: Home Rule County Retailers' Occupation Tax

2) Code Citation: 86 Ill. Adm. Code 220

3) Section Numbers: 220.115  
Proposed Action: Amendment

4) Statutory Authority: 55 ILCS 5

5) A Complete Description of the Subjects and Issues Involved: With regard to sales of coal or other minerals, this rulemaking defines "extracted from the earth" as the location at which coal or other minerals are extracted from the mouth of the mine." Also provides the exemption for tangible personal property sold to certain common carriers by motor (Public Act 90-552). Also makes other clarifying changes.

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Gina Roccaforte  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
Phone: (217) 782-6996

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Retailers located in a jurisdiction imposing the tax.

B) Reporting, bookkeeping or other procedures required for compliance: Minimal



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C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

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TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

## PART 220

## HOME RULE COUNTY RETAILERS' OCCUPATION TAX

## Section

220.101	Nature of the Home Rule County Retailer's Occupation Tax
220.105	Registration and Returns
220.110	Claims to Recover Erroneously Paid Tax
220.115	Jurisdictional Questions
220.120	Incorporation of Retailers' Occupation Tax Regulations by Reference
220.125	Penalties, Interest and Procedures
220.130	Effective Date

**AUTHORITY:** Implementing the Home Rule County Retailers' Occupation Tax Law of the Counties Code [55 ILCS 5/5-1006] and authorized by Section 2505-95 of the Civil Administrative Code of Illinois [20 ILCS 2505-95].

**SOURCE:** Adopted August 5, 1959; amended at 3 Ill. Reg. 44, p. 185, effective October 19, 1979; codified at 6 Ill. Reg. 9681; amended at 15 Ill. Reg. 5783, effective April 9, 1991; amended at 24 Ill. Reg. 8105, effective May 26, 2000; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 220.115 Jurisdictional Questions

## a) County Defined

When used in this Part, "county" includes all territory located within the county, including all territory within cities, villages or incorporated towns, including an incorporated town that which has superseded a civil township.

b) Mere Solicitation of Orders Not ~~not~~ Doing Business

1) For a seller to incur Home Rule County Retailers' Occupation Tax liability in a given county, the sale must be made in the course of the such seller's engaging in the retail business within that such county. In other words, enough of the selling activity must occur within the home rule county to justify concluding that the seller is engaged in business within the home rule county with respect to that sale.

2) For example, the Supreme Court has held the mere solicitation and receipt of orders within a taxing jurisdiction (the State), where the such orders were subject to acceptance outside the taxing jurisdiction and title passed outside the such jurisdiction, with the goods being shipped from outside the such jurisdiction to the purchaser in the such jurisdiction, did not constitute engaging in the business of selling within the such jurisdiction. This conclusion was reached independently of any question of interstate commerce and so would apply to a home rule county as

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the taxing jurisdiction as much as to the State as the taxing jurisdiction.

## c) Seller's Acceptance of Order

- 1) Without attempt to anticipate every kind of fact situation that may arise in this connection, it is the Department's opinion, in general, that the seller's acceptance of the purchase order or other contracting action in the making of the sales contract is the most important single factor in the occupation of selling. If the purchase order is accepted at the seller's place of business within the county or by someone who is working out of that such place of business and who does not conduct the business of selling elsewhere within the meaning of subsections (g) and (h) of this Section, or if a purchase order that which is an acceptance of the seller's complete and unconditional offer to sell is received by the seller's place of business within the home rule county or by someone working out of that such place of business, the seller incurs Home Rule County Retailers' Occupation Tax liability in that home rule county if the sale is at retail and the purchaser receives the physical possession of the property in Illinois. The Department will assume that the seller has accepted the purchase order at the place of business at which the seller receives the such purchase order from the purchaser in the absence of clear proof to the contrary.

- 2) If a purchase order is accepted outside this State, but the tangible personal property that which is sold is in an inventory of the retailer located within a county at the time of its sale (or is subsequently produced in the county Illinois), then delivered in Illinois to the purchaser, the place where the property is located at the time of the sale (or subsequent production in the county Illinois) will determine where the seller is engaged in business for Home Rule County Retailers' Occupation Tax purposes with respect to that such sale.

## d) Some

Considerations That Which Are Not Controlling

- 1) Delivery of the property within the county to the purchaser is not necessary for the seller to incur Home Rule County Retailers' Occupation Tax liability. It is sufficient that the purchaser receives the physical possession of the property somewhere in Illinois as far as the question of delivery is concerned. This is true because there is no exemption for intercounty commerce comparable to the exemption arising from interstate commerce, and it is not necessary for delivery to be completed within the county for the seller to be regarded as being engaged in the business of selling within the such county with respect to that sale.

- 2) The point at which the tangible personal property will be used or consumed and the place at which the purchaser resides are also immaterial in determining whether or not the seller incurs Home Rule County Retailers' Occupation Tax liability. Furthermore,

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the place at which the technical sale occurs (i.e., the place at which title passes) is not a decisive consideration since the phrase "in the county" in the Home Rule County Retailers' Occupation Tax Act refers only to the location of the occupation of selling that is being taxed and not to be the place where sales may be made. \*\*1

- e) Place of Business Where Long Term or Blanket Contracts are Involved  
Under a long term blanket or master contract that which (though definite as to price and quantity) must be implemented by the purchaser's placing of specific orders when goods are wanted, the seller's place of business with which such subsequent specific orders are placed (rather than the place where the seller signed the master contract) will determine where the seller is engaged in business for Home Rule County Retailers' Occupation Tax purposes with respect to those such orders.

## f) Sales Through Vending Machines

The seller's place of engaging in business when making sales through a vending machine is the place where the vending machine is located the when such sales are made.

- g) Sales From Vehicles Carrying Uncommitted Stock of Goods  
The seller's place of engaging in business when making sales and deliveries (not just deliveries pursuant to previously accepted orders, but actual sales and deliveries) from a vehicle in which a stock of goods is being carried for sale is the place at which the such sales and deliveries happen to be made -- the vehicle carrying the such stock of goods for sale being regarded as a portable place of business.

## h) Sales of Coal or Other Minerals

For the purpose of determining the local governmental unit whose tax is applicable, a retail sale, by a producer of coal or other mineral mined in Illinois, is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. For purposes of this Section, "extracted from the earth" means the location at which the coal or other mineral is extracted from the mouth of the mine.

- 1) A retail sale is a sale to a user, such as a railroad, public utility or other industrial company, for use. "Mineral" includes not only coal, but also oil, sand, stone taken from a quarry, gravel and any other thing commonly regarded as a mineral and extracted from the earth.
- 2) A mineral produced in Illinois, but shipped out of Illinois by the seller for use outside Illinois, will generally be tax exempt under the Commerce Clause of the Federal Constitution (i.e., as a

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sale in interstate commerce). This exemption does not extend, however, to sales to carriers, other than common carriers by rail or motor, for their own use outside Illinois if the purchasing carrier takes delivery of the property in the county ~~in~~ and transports it over its own line to an out-of-State destination.

- 3) A sale by a mineral producer to a wholesaler or retailer for resale would not be a retail sale by the producer and so would not be taxable. The taxable sale (the retail sale) is the final sale to the user, and the Municipal or Home Rule County Retailers' Occupation Tax on that sale will go to the municipality or county where the retailer is located.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Numbers: Proposed Action:  
100.2470 Amendment
- 4) Statutory Authority: 15 ILCS 505/16.5
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 91-829 amended Section 16.5 of the State Treasurer Act [15 ILCS 505/16.5] to provide that a distribution from the College Savings Pool is exempt from Illinois income taxation to the extent the distribution is used for a qualifying expense, such as tuition or book fees. This rulemaking amends the income tax regulation on exempt income to include this new exclusion.

- 6) Will this proposed amendment replace an emergency amendment currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>IL Register Citation</u>
100.2165	New Section	4/28/00, 24 Ill. Reg. 6637

- 10) Statement of Statewide Policy Objectives: The proposed amendments do not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Paul Caselton  
Deputy Chief Counsel - Income Tax  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62708  
Phone: (217) 782-7055

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking will have no effect on small businesses.



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B) Reporting, bookkeeping or other procedures required for compliance: Taxpayers will need to keep records of disbursements used for qualifying expenditures.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

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TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUE

PART 100  
INCOME TAX

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## TABLE A Example of Unitary Business Apportionment

TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49 p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg.

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6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))

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a) In calculating base income, taxpayers are entitled to subtract an amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization (IIQA 203(a)(2)(N)). There are also provisions of Illinois law that exempt the income of certain obligations of state and local governments from Illinois income taxation (see subsection (f), below).

b) Interest on obligations of the United States. A federal statute exempts stocks and obligations of the United States Government, as well as the interest on the obligation(s), from state income taxation (see 31 USCA 3124(a)).

1) "Obligations of the United States" are those obligations issued "to secure credit to carry on the necessary functions of government." *Smith v. Davis* (1944) 323 U.S. 111, 119, 89 L. Ed. 107, 113, 65 S. Ct. 157, 161. The exemption is aimed at protecting the "Borrowing" and "Supremacy" clauses of the Constitution. *Society for Savings v. Bowers* (1955) 349 U.S. 143, 144, 99 L. Ed. 2d 950, 955, 75 S. Ct. 607, 608. *Hibernia v. City and County of San Francisco* (1906) 200 U.S. 310, 313, 50 L. Ed. 495, 496, 26 S. Ct. 265, 266.

A) Tax-exempt credit instruments possess the following characteristics:

- i) they are written documents,
  - ii) they bear interest,
  - iii) they are binding promises by the United States to pay specified sums at specified dates, and
  - iv) they have congressional authorization which also pledges the faith and credit of the United States in support of the promise to pay. *Smith v. Davis*, supra.
- B) A governmental obligation that is secondary, indirect, or contingent, such as a guaranty of a nongovernmental obligor's primary obligation to pay the principal amount of interest on a note, is not an obligation of the type exempted under 31 USC Section 3124(a). *Rockford Life Ins. Co. v. Department of Revenue*, 107 S. Ct. 2312 (1987).

2) Based on the above, the following types of income are exempt under 31 USCA Section 3124(a):

- A) Interest on U.S. Treasury bonds, notes, bills, certificates, and savings bonds.
  - B) Income from GSA Public Building Trust Participation Certificates: First Series, Series A through E; Second Series, Series F; Third Series, Series G; Fourth Series H and I.
- c) Income exempted by reason of other federal statutes. Federal statutes

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provide exemption from state income taxation with respect to various specifically named types of income. Following is a list (intended to be exhaustive) of exempt income and the specific statutes to which each item relates:

- 1) Banks for Cooperatives - Income from notes, debentures, and other obligations issued by Banks for Cooperatives (12 USCA 2134).
- 2) Commodity Credit Corporation - Interest derived from bonds, notes, debentures, and other similar obligations issued by Commodity Credit Corporation (15 USCA 713a-5).
- 3) Farm Credit System Financial Assistance Corporation (Financial Assistance Corporation) - Income from notes, bonds, debentures, and other obligations issued by the Financial Assistance Corporation (12 USCA 2278b-10(b)).
- 4) Federal Deposit Insurance Corporation - Interest derived from notes, debentures, bonds, or other such obligations issued by Federal Deposit Insurance Corporation (12 USCA 1825).
- 5) Federal Farm Credit Banks - Income from consolidated system-wide notes, bonds, debentures, and other obligations issued jointly and severally under 12 USCA 2153 by Banks of the Federal Farm Credit System (12 USCA 2023; 12 USCA 207; 12 USCA 2098; and 12 USCA 2134).
- 6) Federal Home Loan Banks - Interest derived from notes, debentures, bonds, and from consolidated Federal Home Loan Bonds and debentures (12 USCA 1433).
- 7) Federal Intermediate Credit Banks - Income from notes, debentures, bonds, and other obligations issued by Federal Intermediate Credit Banks (12 USCA 2079).
- 8) Federal Land Banks and Federal Land Bank Association - Income from notes, debentures, bonds, and other obligations issued by Federal Land Banks and Federal Land Bank Associations (12 USCA 2055).
- 9) Federal Savings and Loan Insurance Corporation - Interest derived from notes, bonds, debentures, and other such obligations issued by Federal Savings and Loan Insurance Corporation (12 USCA 1725(e)).
- 10) Financing Corporation (FICO) - Income from obligations issued by the Financing Corporation (12 USCA 1441(e)(8)).
- 11) General Insurance Fund
  - A) Interest derived from debentures issued by General Insurance Fund under the War Housing Insurance Law (12 USCA 1739(d)); or
  - B) Interest derived from debentures issued by General Insurance Fund to acquire rental housing projects (12 USCA 1747g(g)); or
  - C) Interest derived from Armed Services Housing Mortgage Insurance Debentures issued by the General Insurance Fund (12 USCA Section 1748b(f)).



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- 12) Guam - Interest derived from bonds issued by the government of Guam (48 USCA 1423a). This income is not presently included in federal taxable income. Under Illinois law, it must be added back to federal taxable income and then claimed as a subtraction on an Illinois income tax return.
- 13) Mutual Mortgage Insurance Fund - Income from such debentures as are issued in exchange for property covered by mortgages insured after February 3, 1988 (12 USCA 1710(d)). This income is not presently included in federal taxable income. Under Illinois law, it must be added back to federal taxable income and then claimed as a subtraction on an Illinois income tax return.
- 14) National Credit Union Administration Central Liquidity Facility - Income from the notes, bonds, debentures, and other obligations issued on behalf of the Central Liquidity Facility (12 USCA 1795K(b)).
- 15) Production Credit Association - Income from notes, debentures, and other obligations issued by Production Credit Association (12 USCA 2098).
- 16) Puerto Rico - Interest derived from bonds issued by the Government of Puerto Rico (48 USCA 745). This income is not presently included in federal taxable income. Under Illinois law, it must be added back to federal taxable income and then claimed as a subtraction on an Illinois income tax return.
- 17) Railroad Retirement Act - Annuity and supplemental annuity payments as qualified under the Railroad Retirement Act of 1974 (45 USCA 231m). Please be sure to use the line specified on your Illinois return for this item.
- 18) Railroad Unemployment Insurance Act - Unemployment benefits paid pursuant to the Railroad Unemployment Insurance Act (45 USCA 352(e)).
- 19) Resolution Funding Corporation - Interest from obligations issued by the Resolution Funding Corporation (12 USCA 1441b(f)(7)(A)).
- 20) Special Food Service Program - Assistance to children under the Special Food Service Program (42 USCA 1760(e)).
- 21) Student Loan Marketing Association - Interest derived from obligations issued by the Student Loan Marketing Association (20 USCA 1087-2(h)(221)).
- 22) Tennessee Valley Authority - Interest derived from bonds issued by the Tennessee Valley Authority (16 USCA 831n-4(d)).
- 23) United States Postal Service - Interest derived from obligations issued by the United States Postal Service (39 USCA 2005(d)(4)).
- 24) Virgin Islands - Interest derived from bonds issued by the Government of the Virgin Islands (48 USCA 1574(b)(ii)(A)). This income is not presently included in income taxable federally. Under Illinois law, it must be added back to federal taxable income and then claimed as a subtraction on an Illinois income tax return.
- d) Distributions from money market trusts (mutual funds). Taxpayers may

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- subtract income received from any of the obligations listed in subsections (b) and (c) above, even if the obligations are owned indirectly through owning shares in a mutual fund.
- 1) If the fund invests exclusively in these state tax exempt obligations, the entire amount of the distribution (income) from the fund may be subtracted.
- 2) If the fund invests in both exempt and non-exempt obligations, the amount represented by the percentage of the distribution that the mutual fund identifies as exempt may be subtracted.
- 3) If the mutual fund does not identify an exempt amount or percentage, taxpayers may figure the subtraction by multiplying the distribution by the following fraction: as the numerator, the amount invested by the fund in state-exempt U.S. obligations; as the denominator, the fund's total investment. Use the year-end amounts to figure the fraction if the percentage ratio has remained constant throughout the year. If the percentage ratio has not remained constant, take the average of the ratios from the fund's quarterly financial reports.
- e) Getting a refund of tax you already paid. If you paid Illinois income tax on these state tax exempt distributions, you may file an amended return (IL-1040-X) to claim a refund for any year still within the statute of limitations.
- f) Interest on obligations of state and local governments. Income from state and local obligations is not exempt from Illinois income tax except where authorizing legislation adopted after August 1, 1969, specifically provides for an exemption. To date, authorizing legislation provides exemption for the income from the securities listed below. Taxpayers must show income from these exempt bonds as an addition and then as a subtraction on the Illinois income tax return. Income from these bonds is not exempt if the bonds are owned indirectly through owning shares in a mutual fund.
- 1) Notes and bonds issued by the Illinois Housing Development Authority (except housing-related commercial facilities notes and bonds) [20 ILCS 3805/31].
- 2) Bonds authorized pursuant to the Export Development Act of 1983 (former Ill. Rev. Stat. 1991, ch. 127, par. 2513, repealed by P.A. 87-860, effective July 1, 1992).
- 3) Bonds issued by the Illinois Development Finance Authority pursuant to Sections 7.50 - 7.61 (venture fund and infrastructure bonds) [20 ILCS 3505/7.61].
- 4) Bonds and notes issued by the Quad Cities Regional Economic Development Authority, if the Authority so determines [70 ILCS 510/11, 510/13, 515/11, and 515/12].
- 5) College Savings Bonds issued under the General Obligation Bond Act in accordance with the Baccalaureate Savings Act [110 ILCS 920/7].
- 6) Bonds issued by the Illinois Sports Facilities Authority (White Sox Bonds) [70 ILCS 3205/15].



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- 7) Bonds issued on or after September 2, 1988, pursuant to the Higher Education Student Assistance Act [110 ILCS 947/145] (transferred from 105 ILCS 5/30-15.18 by P.A. 87-997).
- 8) Bonds issued by the Illinois Development Finance Authority under the Asbestos Abatement Finance Act [20 ILCS 3510/8].
- 9) Bonds and notes issued under the Rural Bond Bank Act [30 ILCS 360/3-12].
- 10) Income earned on investments made pursuant to the Home Ownership Made Easy Program [310 ILCS 55/5.1].
- 11) Bonds issued pursuant to Sections 7.80 - 7.87 of the Illinois Development Finance Authority Act [20 ILCS 3505/7-86].
- 12) Up to \$2,000 of income derived by individuals from investments made in accordance with College Savings Programs established under former Section 30-15.8a [105 ILCS 5/30-15.8a].
- 13) Bonds issued by the Quad Cities Interstate Metropolitan Authority under the Quad Cities Interstate Metropolitan Authority Act [45 ILCS 35/110].
- 14) Bonds issued by the Southwestern Illinois Development Authority pursuant to the Southwestern Illinois Development Authority Act [70 ILCS 520/7.5].
- g) Other income exempt from Illinois income taxation by reason of Illinois statute:
  - 1) Income earned by certain trust accounts established under the Illinois Pre-Need Cemetery Sales Act [815 ILCS 390/16]. Section 16(f) of the Illinois Pre-Need Cemetery Sales Act provides that: *because it is not known at the time of deposit or at the time that income is earned on the trust account to whom the principal and the accumulated earnings will be distributed, for purposes of determining the Illinois Income Tax due on these trust funds, the principal and any accrued earnings or losses relating to each individual account shall be held in suspense until the final determination is made as to whom the account shall be paid.*
  - 2) Income in the form of education loan repayments made for primary care physicians who agree to practice in designated shortage areas for a specified period of time under the terms of the Family Practice Residency Act [110 ILCS 935/4.10].
  - 3) Income earned by nuclear decommissioning trusts established pursuant to Section 8-508.1 of the Public Utilities Act [220 ILCS 5/8-508.1]. The terms "decommissioning trust" or "trust" means a fiduciary account in a bank or other financial institution established to hold the decommissioning funds provided pursuant to Section 8-508.1(b)(2) of the Public Utilities Act for the eventual purpose of paying decommissioning costs, which shall be separate from all other accounts and assets of the public utility establishing the trust. [220 ILCS 5/8-508.1(a)(3)]
  - 4) Income from the Illinois prepaid tuition program, other than disbursements to beneficiaries which are not used in accordance with the applicable prepaid tuition contract under the Illinois

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Prepaid Tuition Act [110 ILCS 979]. The Illinois prepaid tuition program was created in 1997 for the express purpose of allowing savings for higher education to earn tax-exempt returns under Section 529 of the Internal Revenue Code. If a prepaid tuition contract qualifies under Section 529, earnings on contributions made to the Illinois Prepaid Tuition Trust Fund under the contract are exempt from federal income taxation (and therefore Illinois income taxation) until distributed. The legislative intent in creating the Illinois prepaid tuition program does not guarantee that every prepaid tuition contract will qualify under Section 529 and there is no guarantee that Section 529 will continue in effect. However, Section 55 of the Illinois Prepaid Tuition Act [110 ILCS 979/55] provides that assets of the *Illinois Prepaid Tuition Trust Fund and its income and operation shall be exempt from all taxation by the State and that disbursements to a beneficiary shall be similarly exempt from all taxation by the State of Illinois and any of its subdivisions, so long as they are used for educational purposes in accordance with the provisions of an Illinois prepaid tuition contract.* Under this provision, any undistributed earnings of the Illinois Prepaid Tuition Trust which are included in a taxpayer's federal taxable income or adjusted gross income because a prepaid tuition contract does not qualify under Section 529 may be subtracted in computing the taxpayer's base income, and all disbursements included in a beneficiary's adjusted gross income may be subtracted to the extent used in accordance with the Illinois prepaid tuition contract under which the disbursements are made, regardless of whether the prepaid tuition contract qualifies under Section 529.

- 5) Income from the College Savings Pool, other than disbursements to beneficiaries that are not used to pay qualified expenses under the State Treasurer Act [15 ILCS 505/16.5]. Under the State Treasurer Act, distributions from the College Savings Pool must generally be used for qualified expenses, which are defined to mean tuition, fees, and the costs of books, supplies, and equipment required for enrollment or attendance at an eligible educational institution and certain room and board expenses. Distributions made for qualified expenses must be made directly to the eligible educational institution, directly to a vendor, or in the form of a check payable to both the beneficiary and the institution or vendor. The College Savings Pool was created in Public Act 91-607 for the express purpose of allowing savings for higher education to earn tax-exempt returns under Section 529 of the Internal Revenue Code. If an investment in the College Savings Pool qualifies under Section 529, earnings on that investment are exempt from federal income taxation (and therefore Illinois income taxation) until distributed. The legislative intent in creating the College Savings Pool does not guarantee

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that investments will qualify under Section 529 and there is no guarantee that Section 529 will continue in effect. However, the State Treasurer Act [15 ILCS 505/16.5], as amended in Public Act 91-829, provides that assets of the College Savings Pool and its income and operation shall be exempt from all taxation by the State and that disbursements to a beneficiary shall be similarly exempt from all taxation by the State of Illinois and any of its subdivisions, so long as they are used for qualified expenses. Under this provision, any undistributed earnings of the College Savings Pool that are included in a taxpayer's federal taxable income or adjusted gross income because a College Savings Pool investment does not qualify under Section 529 may be subtracted in computing the taxpayer's base income, and all disbursements included in a beneficiary's adjusted gross income may be subtracted to the extent used to pay qualified expenses, regardless of whether the College Savings Pool investment qualifies under Section 529.

h) Income not exempt from Illinois income taxation. The following types of income are not exempt from Illinois income taxation:

- 1) Income from securities commonly known as GNMA "Pass-Through Securities" and also known as GNMA "Mortgage-Backed Securities" issued by approved issuers under 12 USCA 1721(g) and guaranteed by GNMA under 12 USCA 1721(g) (Rockford Life Insurance Co. v. Department of Revenue, 112 Ill.2d 174, 492 N.E. 2d 1278 (1986), reh. den. June 2, 1986) and income from debentures, notes, and bonds issued by the Federal National Mortgage Association including mortgage-backed bonds issued under authority of 12 USCA 1719(d) and guaranteed by GNMA under 12 USCA 1721(g).
- 2) Accumulated interest on Internal Revenue Service tax refunds. Illinois Department of Revenue Letter Ruling No. 86-0640, dated July 11, 1986, citing Glidden Co. v. Glander, 151 Ohio St. 344, 86 N.E. 2d 1, 9 A.L.R. 2d 515 (1949).
- 3) Income from U.S. securities acquired by a taxpayer under a repurchase agreement ("repo") with a bank or similar financial organization. The Department takes the position that, for income tax purposes, such agreements are generally to be treated as loans. That is, the taxpayer "loans" money to the bank and receives interest in return. The securities subject to repurchase by the bank serve as collateral for the loan. The bank remains legally entitled to receive the interest payments from the issuing authority and remains the actual owner of the securities. Therefore, any tax benefit attributable to the "exempt" income paid by the issuing authority accrues to the bank and not to the investor.

- i) Method for computing the subtraction of exempt income. The Department emphasizes that before a taxpayer may subtract an item of exempt income, the taxpayer must be sure that he or she has included the item in Illinois income. Some tax-exempt items are "automatically"

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included in base income because they are included in federal adjusted gross income, which is a part of base income. Interest on U.S. Treasury notes is in this category. Other exempt items must be included as an addition on the Illinois tax return in figuring base income. In other words, the taxpayer must list certain tax-exempt items as additions and then as subtractions in figuring base income. Interest on the state and local government bonds described in subsection (f) above is in this category.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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1) Heading of the Part: Retailers' Occupation Tax2) Code Citation: 86 Ill. Adm. Code 1303) Section Numbers: Proposed Action:

130.120 Amendment  
130.332 New Section  
130.1960 Amendment

4) Statutory Authority: 35 ILCS 120

5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends Section 130.120 by implementing Public Act 91-637, which provides that gross receipts from the sale of a motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes are exempt from Retailers' Occupation Tax. Adds New Section 130.332 to implement P.A. 91-644, which provides an exemption for automatic vending machines that prepare and serve hot foods or beverages. Also amends Section 130.1960 by providing an example of the tax treatment when an installment contract is sold.

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	IL Register Citation
130.101	Amendment	2/25/00, 24 Ill. Reg. 3128
130.110	Amendment	2/25/00, 24 Ill. Reg. 3128
130.111	Amendment	2/25/00, 24 Ill. Reg. 3128
130.120	Amendment	2/25/00, 24 Ill. Reg. 3128
130.120	Amendment	5/19/00, 24 Ill. Reg. 7470
130.201	Amendment	2/25/00, 24 Ill. Reg. 3128
130.205	Amendment	2/25/00, 24 Ill. Reg. 3128
130.215	Amendment	2/25/00, 24 Ill. Reg. 3128
130.220	Amendment	2/25/00, 24 Ill. Reg. 3128
130.225	New Section	2/25/00, 24 Ill. Reg. 3128
130.305	Amendment	2/25/00, 24 Ill. Reg. 3128
130.315	Amendment	2/25/00, 24 Ill. Reg. 3128
130.320	Amendment	2/25/00, 24 Ill. Reg. 3128
130.321	Amendment	2/25/00, 24 Ill. Reg. 3128

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130.330	Amendment	2/25/00, 24 Ill. Reg. 3128
130.330	Amendment	5/26/00, 24 Ill. Reg. 7617
130.331	Amendment	2/25/00, 24 Ill. Reg. 3128
130.335	Amendment	2/25/00, 24 Ill. Reg. 3128
130.345	Amendment	2/25/00, 24 Ill. Reg. 3128
130.350	Amendment	2/25/00, 24 Ill. Reg. 3128
130.351	Amendment	2/25/00, 24 Ill. Reg. 3128
130.401	Amendment	2/25/00, 24 Ill. Reg. 3128
130.410	Amendment	2/25/00, 24 Ill. Reg. 3128
130.415	Amendment	2/25/00, 24 Ill. Reg. 3128
130.425	Amendment	2/25/00, 24 Ill. Reg. 3128
130.435	Amendment	2/25/00, 24 Ill. Reg. 3128
130.445	Amendment	2/25/00, 24 Ill. Reg. 3128
130.535	Amendment	2/25/00, 24 Ill. Reg. 3128
130.540	Amendment	2/25/00, 24 Ill. Reg. 3128
130.701	Amendment	2/25/00, 24 Ill. Reg. 3128
130.705	Amendment	2/25/00, 24 Ill. Reg. 3128
130.720	Amendment	2/25/00, 24 Ill. Reg. 3128
130.735	Amendment	2/25/00, 24 Ill. Reg. 3128
130.745	Amendment	2/25/00, 24 Ill. Reg. 3128
130.801	Amendment	2/25/00, 24 Ill. Reg. 3128
130.805	Amendment	2/25/00, 24 Ill. Reg. 3128
130.815	Amendment	2/25/00, 24 Ill. Reg. 3128
130.901	Amendment	2/25/00, 24 Ill. Reg. 3128
130.905	Amendment	2/25/00, 24 Ill. Reg. 3128
130.910	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1001	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1201	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1305	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1401	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1405	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1415	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1501	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1515	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1701	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1801	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1901	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1910	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1915	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1925	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1930	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1935	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1940	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1960	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1965	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1971	New Section	2/25/00, 24 Ill. Reg. 3128
130.1975	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1980	Amendment	2/25/00, 24 Ill. Reg. 3128



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130.2000	Amendment	2/25/00, 24 Ill. Reg. 3128	Minimal
130.2005	Amendment	2/25/00, 24 Ill. Reg. 3128	
130.2009	New Section	5/19/00, 24 Ill. Reg. 7470	
130.2010	Amendment	2/25/00, 24 Ill. Reg. 3128	
130.2015	Amendment	2/25/00, 24 Ill. Reg. 3128	
130.2020	Amendment	2/25/00, 24 Ill. Reg. 3128	
130.2035	Amendment	2/25/00, 24 Ill. Reg. 3128	
130.2045	Amendment	2/25/00, 24 Ill. Reg. 3128	
130.2055	Amendment	2/25/00, 24 Ill. Reg. 3128	
130.2060	Amendment	2/25/00, 24 Ill. Reg. 3128	
130.2065	Repeal	2/25/00, 24 Ill. Reg. 3128	
130.2070	Amendment	2/25/00, 24 Ill. Reg. 3128	
130.2075	Amendment	2/25/00, 24 Ill. Reg. 3128	
130.2085	Amendment	2/25/00, 24 Ill. Reg. 3128	
130.2100	Amendment	2/25/00, 24 Ill. Reg. 3128	
130.2105	Amendment	2/25/00, 24 Ill. Reg. 3128	
130.2115	Amendment	2/25/00, 24 Ill. Reg. 3128	
130.2130	Amendment	2/25/00, 24 Ill. Reg. 3128	
130.2140	Amendment	2/25/00, 24 Ill. Reg. 3128	
130.2145	Amendment	2/25/00, 24 Ill. Reg. 3128	
130.2156	Amendment	2/25/00, 24 Ill. Reg. 3128	
130.2160	Amendment	2/25/00, 24 Ill. Reg. 3128	
130.2165	Amendment	2/25/00, 24 Ill. Reg. 3128	
130.2170	Amendment	2/25/00, 24 Ill. Reg. 3128	
ILLUSTRATION A			

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Gina Roccaforte  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
(217) 782-6996
- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Retailers of motor vehicles and retailers of installment contracts.

B) Reporting, bookkeeping or other procedures required for compliance:

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## TITLE 86: REVENUE

## CHAPTER I: DEPARTMENT OF REVENUE

## PART 130

## RETAILERS' OCCUPATION TAX

## SUBPART A: NATURE OF TAX

Section	
130.101	Character and Rate of Tax
130.105	Responsibility of Trustees, Receivers, Executors or Administrators
130.110	Occasional Sales
130.111	Sale of Used Motor Vehicles by Leasing or Rental Business
130.115	Habitual Sales
130.120	Nontaxable Transactions

## SUBPART B: SALE AT RETAIL

Section	
130.201	The Test of a Sale at Retail
130.205	Sales for Transfer Incident to Service
130.210	Sales of Tangible Personal Property to Purchasers for Resale
130.215	Further Illustrations
130.220	Sales to Lessors of Tangible Personal Property

## SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section	
130.305	Farm Machinery and Equipment
130.310	Food, Drugs, Medicines and Medical Appliances
130.315	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.320	Gasohol
130.321	Fuel Used by Air Common Carriers in International Flights
130.325	Graphic Arts Machinery and Equipment Exemption
130.330	Manufacturing Machinery and Equipment
130.331	Manufacturer's Purchase Credit
130.332	Automatic Vending Machines that Dispense Hot Food or Beverages
130.335	Pollution Control Facilities
130.340	Rolling Stock
130.345	Oil Field Exploration, Drilling and Production Equipment
130.350	Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
130.351	Aggregate Manufacturing

## SUBPART D: GROSS RECEIPTS

Section	
130.401	Meaning of Gross Receipts

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Section	
130.405	How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser

130.410	Cost of Doing Business Not Deductible
130.415	Transportation and Delivery Charges
130.420	Finance or Interest Charges--Penalties--Discounts
130.425	Traded-In Property
130.430	Deposit or Prepayment on Purchase Price
130.435	State and Local Taxes Other Than Retailers' Occupation Tax
130.440	Penalties
130.445	Federal Taxes
130.450	Installation, Alteration and Special Service Charges
130.455	Motor Vehicle Leasing and Trade-In Allowances

## SUBPART E: RETURNS

Section	
130.501	Monthly Tax Returns--When Due--Contents
130.502	Quarterly Tax Returns
130.505	Returns and How to Prepare
130.510	Annual Tax Returns
130.515	First Return
130.520	Final Returns When Business is Discontinued
130.525	Who May Sign Returns
130.530	Returns Covering More Than One Location Under Same Registration--Separate Returns for Separately Registered Locations
130.535	Payment of the Tax, Including Quarter Monthly Payments in Certain Instances

130.540	Returns on a Transaction by Transaction Basis
130.545	Registrants Must File a Return for Every Return Period
130.550	Filing of Returns for Retailers by Suppliers Under Certain Circumstances

130.551	Prepayment of Retailers' Occupation Tax on Motor Fuel
130.555	Vending Machine Information Returns
130.560	Verification of Returns

## SUBPART F: INTERSTATE COMMERCE

Section	
130.601	Preliminary Comments
130.605	Sales of Property Originating in Illinois
130.610	Sales of Property Originating in Other States

## SUBPART G: CERTIFICATE OF REGISTRATION

Section	
130.701	General Information on Obtaining a Certificate of Registration
130.705	Procedure in Disputed Cases Involving Financial Responsibility Requirements

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130.710 Procedure When Security Must be Forfeited  
 130.715 Sub-Certificates of Registration  
 130.720 Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances Display  
 130.725  
 130.730 Replacement of Certificate  
 130.735 Certificate Not Transferable  
 130.740 Certificate Required For Mobile Vending Units  
 130.745 Revocation of Certificate

## SUBPART H: BOOKS AND RECORDS

Section  
 130.801 General Requirements  
 130.805 What Records Constitute Minimum Requirement  
 130.810 Records Required to Support Deductions  
 130.815 Preservation and Retention of Records  
 130.820 Preservation of Books During Pendency of Assessment Proceedings  
 130.825 Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

## SUBPART I: PENALTIES AND INTEREST

Section  
 130.901 Civil Penalties  
 130.905 Interest  
 130.910 Criminal Penalties

## SUBPART J: BINDING OPINIONS

Section  
 130.1001 When Opinions from the Department are Binding

## SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section  
 130.1101 Definition of Federal Area  
 130.1105 When Deliveries on Federal Areas Are Taxable  
 130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

## SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section  
 130.1201 General Information  
 130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

## SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

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Section  
 130.1301 When Lessee of Premises Must File Return for Leased Department  
 130.1305 When Lessor of Premises Should File Return for Leased Department  
 130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

## SUBPART N: SALES FOR RESALE

Section  
 130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale  
 130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale  
 130.1410 Requirements for Certificates of Resale (Repealed)  
 130.1415 Resale Number--When Required and How Obtained  
 130.1420 Blanket Certificate of Resale (Repealed)

## SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section  
 130.1501 Claims for Credit--Limitations--Procedure  
 130.1505 Disposition of Credit Memoranda by Holders Thereof  
 130.1510 Refunds  
 130.1515 Interest

## SUBPART P: PROCEDURE TO BE FOLLOWED UPON SELLING OUT OR DISCONTINUING BUSINESS

Section  
 130.1601 When Returns are Required After a Business is Discontinued  
 130.1605 When Returns Are Not Required After Discontinuation of a Business  
 130.1610 Cross Reference to Bulk Sales Regulation

## SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section  
 130.1701 Bulk Sales: Notices of Sales of Business Assets

## SUBPART R: POWER OF ATTORNEY

Section  
 130.1801 When Powers of Attorney May be Given  
 130.1805 Filing of Power of Attorney With Department  
 130.1810 Filing of Papers by Agent Under Power of Attorney

## SUBPART S: SPECIFIC APPLICATIONS

Section  
 130.1901 Addition Agents to Plating Baths



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130.1905 Agricultural Producers  
 130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles  
 130.1915 Auctioneers and Agents  
 130.1920 Barbers and Beauty Shop Operators  
 130.1925 Blacksmiths  
 130.1930 Chiroprodists, Osteopaths and Chiropractors  
 130.1935 Computer Software  
 130.1940 Construction Contractors and Real Estate Developers  
 130.1945 Co-operative Associations  
 130.1950 Dentists  
 130.1951 Enterprise Zones  
 130.1952 Sales of Building Materials to a High Impact Business  
 130.1955 Farm Chemicals  
 130.1960 Finance Companies and Other Lending Agencies - Installment Contracts - Repossessions  
 130.1965 Florists and Nurserymen  
 130.1970 Hatcheries  
 130.1975 Operators of Games of Chance and Their Suppliers  
 130.1980 Optometrists and Opticians  
 130.1985 Pawnbrokers  
 130.1990 Peddlers, Hawkers and Itinerant Vendors  
 130.1995 Personalizing Tangible Personal Property  
 130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers  
 130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons  
 130.2006 Sales by Teacher-Sponsored Student Organizations  
 130.2007 Exemption Identification Numbers  
 130.2008 Sales by Nonprofit Service Enterprises  
 130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others  
 130.2011 Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals  
 130.2012 Sales to Persons Who Lease Tangible Personal Property to Governmental Bodies  
 130.2015 Persons Who Repair or Otherwise Service Tangible Personal Property  
 130.2020 Physicians and Surgeons  
 130.2025 Picture-Framers  
 130.2030 Public Amusement Places  
 130.2035 Registered Pharmacists and Druggists  
 130.2040 Retailers of Clothing  
 130.2045 Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like  
 130.2050 Sales and Gifts By Employers to Employees  
 130.2055 Sales by Governmental Bodies  
 130.2060 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products  
 130.2065 Sales of Automobiles for Use in Demonstration

130.2070 Sales of Containers, Wrapping and Packing Materials and Related Products  
 130.2075 Sales To Construction Contractors, Real Estate Developers and Speculative Builders  
 130.2080 Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel  
 130.2085 Sales to or by Banks, Savings and Loan Associations and Credit Unions  
 130.2090 Sales to Railroad Companies  
 130.2095 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles  
 130.2100 Sellers of Feeds and Breeding Livestock  
 130.2105 Sellers of Newspapers, Magazines, Books, Sheet Music and Phonograph Records and Their Suppliers  
 130.2110 Sellers of Seeds and Fertilizer  
 130.2115 Sellers of Machinery, Tools and the Like  
 130.2120 Suppliers of Persons Engaged in Service Occupations and Professions  
 130.2125 Trading Stamps and Discount Coupons  
 130.2130 Undertakers and Funeral Directors  
 130.2135 Vending Machines  
 130.2140 Vendors of Curtains, Slip Covers, Floor Covering and Other Similar Items Made to Order  
 130.2145 Vendors of Meals  
 130.2150 Vendors of Memorial Stones and Monuments  
 130.2155 Vendors of Signs  
 130.2156 Vendors of Steam  
 130.2160 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.  
 130.2165 Veterinarians  
 130.2170 Warehousemen  
 ILLUSTRATION A: Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended

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at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: NATURE OF TAX

## Section 130.120 Nontaxable Transactions

The tax does not apply to receipts from sales:

- a) of intangible personal property, such as shares of stocks, bonds, evidences of interest in property, corporate or other franchises and evidences of debt;

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- b) of real property, such as lands and buildings that are permanently attached to the land;
- c) of tangible personal property for purposes of resale in any form as tangible personal property, provided that the purchaser (except in the case of an out-of-State purchaser who will always resell and deliver the property to his customers outside Illinois) has an active registration number or active resale number from the Department and gives such number to the vendor in connection with certifying to the vendor that the sale to such purchaser is nontaxable on the ground of being a sale for resale (see Subparts B and N of this Part);
- d) of personal services, where rendered as such (see various rules relating to particular service occupations); however, for information concerning the tax on persons engaged in the business of making sales of service, see the Regulations pertaining to the Service Occupation Tax Act (86 Ill. Adm. Code 140);
- e) which are within the protection of the Commerce Clause of the Constitution of the United States (see Subpart F of this Part);
- f) which are isolated or occasional (see Section 130.110 of this Subpart);
- g) of newspapers and magazines (see Section 130.2105 of this Part);
- h) which are made to any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes, or any not-for-profit corporation, society, association, foundation, institution or organization which has no compensated officers or employees and which is organized and operated primarily for the recreation of persons 55 years of age or older (see Section 130.2005 of this Part);
- i) which are made to any governmental body (see Section 130.2080 of this Part);
- j) of pollution control facilities (see Section 130.335 of this Part);
- k) of fuel consumed or used in the operation of ships, barges or vessels which are used primarily in or for the transportation of property or the conveyance of persons for hire on rivers bordering on this State if such fuel is delivered by the seller to the purchaser's barge, ship or vessel while it is afloat upon such bordering river (see Section 130.315 of this Part);
- l) of tangible personal property to interstate carriers for hire for use as rolling stock moving in interstate commerce (see Section 130.340 of this Part);
- m) of a motor vehicle in this State to a nonresident even though such motor vehicle is delivered to such nonresident in this State, if such motor vehicle is not to be titled in this State, and if a driveway decal permit is issued to such motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code [625 ILCS 5/3-603], or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his home state;
- n) of merchandise in bulk when sold from a vending machine for 1¢ (see Section 130.2135 of this Part);



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- o) of food and beverages by a person who is the recipient of a grant or contract under Title VII of the Older Americans Act of 1965 (Title 42, USC 3021) and serves meals to participants in the Federal Nutrition Program for the Elderly in return for contributions established in amount by the individual participant pursuant to a schedule of suggested fees as provided for in the Federal Act;
- p) of farm chemicals (see Section 130.1955 of this Part);
- q) of manufacturing machinery and equipment that qualifies for exemption under provisions of Section 130.330 of this Part;
- r) of services included in gross receipts for purposes of the Retailers' Occupation Tax and which are designated mandatory service charges by vendors of meals provided that all of the proceeds of the service charge are in fact turned over to the employees who would normally have received tips had the service charge policy not been introduced. Service charges which are used to fund or pay wages, labor costs, employee benefits or employer costs of doing business are taxable gross receipts;
- s) of any petroleum product, if the seller is prohibited by federal law from charging tax to the purchaser.
- 1) For example, federal law prohibits sellers from charging tax to Amtrak when it purchases petroleum products. However, federal law does not relieve the seller of Retailers' Occupation Tax liability in these transactions. For that reason, the exemption set out in this subsection is necessary to relieve the seller of Retailers' Occupation Tax liability when making sales of petroleum products to Amtrak.
- 2) The nontaxable transaction set out above is also applicable to local Retailers' Occupation Taxes imposed by municipalities, counties, the Regional Transportation Authority and Metro East Mass Transit District;
- t) of farm machinery and equipment, both new and used including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture, or state or federal agricultural programs, including individual replacement parts for the machinery and equipment and including machinery and equipment purchased for lease (see Section 130.305);
- u) of distillation machinery and equipment, sold as a unit or kit, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as a motor fuel or as a component of motor fuel for personal use of the user and not subject to sale or resale;
- v) of graphic arts machinery and equipment, including repair and replacement parts (see Section 130.325);
- w) a motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through access to the living quarters from the driver's seat, or a motor vehicle of the second

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- division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code that is used for automobile renting as defined in the Automobile Renting Occupation and Use Tax Act;
- x) of personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois (see Section 130.2006);
- y) of that portion of the selling price of a passenger car, the sale of which is subject to the replacement vehicle tax of the Illinois Vehicle Code [625 ILCS 5/3-2001];
- z) of personal property sold to an Illinois County Fair Association for use in conducting, operating or promoting the County Fair;
- aa) of personal property sold to any not-for-profit music or dramatic arts organization that establishes that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code (26 U.S.C.A. 501) and that is organized and operated for the presentation of live public performances of musical or theatrical works on a regular basis;
- bb) of personal property sold by a corporation, society, association, foundation, institution or organization that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise (see Section 130.2008);
- cc) of legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America or the government of any foreign country and bullion;
- dd) of oil field exploration, drilling and production equipment costing \$250 or more (see Section 130.345);
- ee) of photoprocessing machinery and equipment, including repair and replacement parts (see Section 130.2000);
- ff) of coal exploration, mining, off highway hauling, processing, maintenance and reclamation equipment costing \$250 or more, including replacement parts and equipment costing \$250 or more (see Section 130.350);
- gg) of fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment or storage in the conduct of its business as an air common carrier, for a flight destined for destination outside the United States (Section 2-5 of the Act) (see Section 130.321);
- hh) of semen used for artificial insemination of livestock for direct agricultural production. Exemption certifications must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, the purchaser's signature and date of signing and a statement that the semen purchased will be used for artificial insemination of livestock for direct agricultural production. The certificates shall be retained by the retailer and



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- shall be made available to the Department for inspection or audit; beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, of personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area. Exemption certifications must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, if applicable, the purchaser's signature and the date of signing, a description of the items being purchased for donation, a statement that the property purchased will be donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area, and that entity's sales tax exemption identification number. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit; and
- jj) beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, of personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within six months after the disaster. Exemption certifications must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, if applicable, the purchaser's signature and date of signing, a description of the items being purchased, and a statement that the property purchased is for use in the performance of infrastructure repairs initiated on facilities located in the declared disaster area within six months after the disaster in this State resulting from a State or federally declared disaster area in Illinois or bordering Illinois. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit; and-
- kk) of a motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited

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liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation (Section 2-5 of the Act). Exemption certifications must be executed by the purchaser. The certificate must include: the seller's name and address; the purchaser's name and address; the purchaser's registration number with the Department, if applicable; the purchaser's signature and date of signing; a description of the motor vehicle that is being purchased for immediate donation to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes; the donee's sales tax exemption identification number; and a statement that the motor vehicle is being purchased for immediate donation to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section 130.322 Automatic Vending Machines that Dispense Hot Foods or Beverages

- a) General. Notwithstanding the fact that the sales may be at retail, effective January 1, 2000, the Retailers' Occupation Tax does not apply to sales of new or used automatic vending machines that prepare and serve hot food and beverages. The exemption also applies to individual replacement parts for these machines.
- b) Exempt Usage of Vending Machines
- 1) This exemption exempts from tax only automatic vending machines used in the preparation and serving of hot food and beverages. For purposes of this exemption, an automatic vending machine is

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an electrically operated machine into which customers insert U.S. legal tender coinage or paper money to cause a food or beverage item to be dispensed, the temperature of which is heated above the ambient temperature at the time it is removed by the customer. The use of vending machines in any other activity will not qualify for this exemption. The use of vending machines to dispense or serve unheated food or beverage products will not be an exempt use and those machines will be subject to tax. The use of vending machines to sell or dispense any non-food items is not an exempt use and those machines will be subject to tax.

2) The use of microwave ovens or other devices as units separate and apart from vending machines to heat food or beverages sold by vending machines is not an exempt use and the microwave ovens or other devices will be subject to tax.

3) The exemption is limited to vending machines that operate and serve hot food and beverages such as soup, coffee and hot cocoa. Specifically constructed foundations or other buildings or structures that support or house vending machines do not qualify for this exemption.

4) An automatic vending machine that is converted to a nonexempt use will become subject to tax at the time of conversion based upon the original selling price. Replacement parts purchased initially for use in a qualifying manner and used in a non-qualifying manner will become subject to tax at the time of non-qualifying use.

## c) Purchaser Certification

1) The purchaser of machines or replacement parts affected by this Section shall prepare a certificate of exemption for each transaction stating facts establishing the exemption for that transaction and submit the certificate to the retailer. The certificate must include the seller's name and address, the purchaser's name and address and a statement that the property purchased will be a vending machine or replacement part used for the preparation and serving of hot food or beverages. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit.

2) If all purchases are vending machines or replacement parts for vending machines used to prepare and serve hot food and beverages, a purchaser may provide a blanket exemption certificate that specifies that all purchases are exempt.

3) A purchaser who buys both exempt and non-exempt machines and replacement parts is authorized to give an exemption certificate in which he certifies that a certain percentage of his purchases are for machines that prepare and serve hot food and beverage items.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## SUBPART S: SPECIFIC APPLICATIONS

### Section 130.1960 Finance Companies and Other Lending Agencies -- Installment Contracts -- Repossessions

a) Lending Agencies -- When Liable For Tax  
Finance companies and other lending agencies are not relieved from liability for tax in cases in which they engage in the business of selling to users or consumers tangible personal property to which they hold or acquire title. Except as provided in Subsection (b) of this Section, when a lending agency transfers title to a repossessed car to a user, the lending agency is engaging in the business of selling tangible personal property at retail and incurs Retailers' Occupation Tax liability on its receipts from such sales. It should be registered as a retailer under the Retailers' Occupation Tax Act and should file returns and otherwise comply with that Act.

b) Lending Agencies -- When Not Liable For Tax  
1) Finance companies and other lending agencies are engaged primarily in the business of financing or acquiring the promissory notes given by purchasers of automobiles, furniture, refrigerators or other items of tangible personal property.

2) To guarantee payment of such notes, they sometimes take as security chattel mortgages upon such tangible personal property. In cases where the purchaser of the automobile or other tangible personal property fails to meet his obligation, the lending agency repossesses the property and sells it to satisfy the obligation evidenced by the notes. In connection with such sales, the lending agency acts as agent for the owner of the repossessed property if such owner is known or disclosed to the purchaser, and if the lending agency does not take title to the property; the lending agency, under such circumstances, is not liable for payment of any Retailers' Occupation Tax with respect to the proceeds from such sales.

3) Even if the lending agency does title a repossessed motor vehicle in its name, if the original buyer, after the expiration of the redemption period provided for in the Retail Installment Sales Act [815 ILCS 405] (411-Rev-Stat-1979, ch-121-1/2, pars.--581 et--seq.), is granted permission to redeem and to resume possession of the vehicle and to continue performance under his original installment contract without any change in the terms of such contract, and the lending agency re-endorses the repossession title to such original buyer, the transaction is not regarded as a sale and so is not taxable.

c) Installment Sales

1) When a retailer of tangible personal property sells an installment contract or "paper" to a third party, the difference between the selling price of the tangible personal property and the selling price of the installment contract or "paper" is a



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cost of doing business and is therefore not deductible in computing Retailers' Occupation Tax liability. Retailers' Occupation Tax is measured by the total selling price of the tangible personal property purchased from the retailer for use or consumption. Upon sale of the installment contract or "paper" to a third party, Retailers' Occupation Tax becomes due based on the entire selling price to the purchaser of the tangible personal property, with credit allowed for any tax already remitted to the Department based on the receipts from the sale of the tangible personal property. As an illustration, a computer vendor enters into an installment sales contract with a business for a computer system. The selling price of the computer system is \$120,000 and the contract requires monthly installment payments of \$10,000 for one year. After the business makes the first payment, the computer vendor sells the installment contract to a bank for \$90,000. Upon the sale of the installment contract to the bank, the computer vendor incurs Retailers' Occupational Tax on \$120,000 (the entire selling price to the original purchaser), with credit allowed for the tax that was remitted on the first \$10,000 payment made by the business.

- 2) For purposes of this Section, "paper" means any instrument of indebtedness which was acquired by the retailer from the purchaser of the tangible personal property. Sales of "paper" to a third party includes the sale of accounts receivable as well as assignments or sales of the actual instruments of indebtedness themselves.

## d) Repossessions

In case a retailer repossesses tangible personal property and subsequently resells such property to a purchaser for use or consumption, his gross receipts from such sale of the repossessed tangible personal property are subject to Retailers' Occupation Tax. He is entitled to a repossession credit with respect to the original sale in which the default has occurred to the extent to which he has paid Retailers' Occupation Tax on a portion of the price which he does not collect, or which he is not permitted to retain because of being required to make a repayment thereof to a lending agency under a "with recourse" agreement. Retailers of tangible personal property other than motor vehicles and aircraft may obtain this credit by taking a deduction on the returns which they file with the Department. Because retailers of motor vehicles and aircraft do not pay Retailers' Occupation Tax to the Department on retail sales of motor vehicles and aircraft with monthly returns, but remit the tax to the Department on a transaction by transaction basis, they must file a claim for credit with the Department on any transaction with respect to which they desire to receive the benefit of the repossession credit.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## CAPITAL DEVELOPMENT BOARD

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- 1) Heading of the Part: Selection of Architects/Engineers (A/E)
- 2) Code Citation: 44 Ill. Adm. Code 1000
- 3) Section Numbers: Adopted Action:  
1000.160 Amendment  
1000.180 Amendment  
1000.200 Amendment
- 4) Statutory Authority: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Sections 9.06 and 16 of that Act; Article 30 and Section 1-15.25 of the Illinois Procurement Code [30 ILCS 500/Art. 30 and 1-15.25]; and Section 20 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535/20].
- 5) Effective date of Adopted Rulemaking: July 24, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment is on file in the principal office of the Capital Development Board and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 24 Ill. Reg. 6627; April 28, 2000
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) A statement of the changes made between proposal and adopted version:  
Section 1000.120 deleted lines 32-40 to restore original language.  
Section 1000.160 changed "Basic Services Fee" to lowercase.  
Section 1000.180 c) changed to "In addition to publication in the official State newspaper, abstracts may be posted on CDB's Internet Site (cdb.state.il.us)."  
Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect?  
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking provides for



## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

advertising on the Internet, and raises the interview level from \$125,000 to \$300,000 with discretion to waive interviews when the Executive Director and Board agree to do so.

- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Fredrick W. Hahn, Chief Counsel  
Capital Development Board  
3rd Floor, Wm. G. Stratton Bldg.  
Springfield, Illinois 62706  
217/782-0700

The full text of the adopted amendments begins on the next page:

## CAPITAL DEVELOPMENT BOARD

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TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT  
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES  
CHAPTER XII: CAPITAL DEVELOPMENT BOARD

## PART 1000

## SELECTION OF ARCHITECTS/ENGINEERS (A/E)

Section	Definitions
1000.100	Purpose
1000.110	Selection Procedures
1000.120	Selection Committee
1000.130	Evaluation Procedures
1000.140	Preliminary Evaluations
1000.150	Interviews
1000.160	Delegation of Evaluations
1000.170	Public Notice
1000.180	Submittal Requirements
1000.190	Small Projects
1000.200	Emergency Projects
1000.210	

**AUTHORITY:** Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Sections 9.06 and 16 of that Act, Article 30 and Section 1-15.25 of the Illinois Procurement Code [30 ILCS 500/Art. 30 and 1-15.25] and Section 20 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535/20].

**SOURCE:** Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20332, effective October 1, 1984; amended at 9 Ill. Reg. 17338, effective October 29, 1985; amended at 12 Ill. Reg. 17815, effective October 25, 1988; Part repealed, new Part adopted at 22 Ill. Reg. 1176, effective January 1, 1998; amended at 24 Ill. Reg. ~~11618~~, effective ~~11/1/2000~~.

## Section 1000.160 Interviews

CDB requires the selection committee to conduct interviews when the estimated value of the basic services fee exceeds \$300,000 ~~contract--exceeds--\$125,000~~. The Executive Director ~~selection-committee~~ may choose to conduct interviews for smaller projects under special circumstances. In all cases, a minimum of three firms will be interviewed. The Executive Director in consultation with the Board may exempt any contract from requiring interviews.

(Source: Amended at 24 Ill. Reg. ~~11618~~, effective ~~11/1/2000~~)

Section 1000.180 Public Notice

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- a) When the services of an A/E are required and the estimated value of the contract exceeds \$25,000, CDB shall publish the list of projects requiring A/E services. In addition, CDB may publish a list of projects whose contract values do not exceed \$25,000.
- b) This public notice shall include an abstract of the services required for each project and the required expertise of the A/E to be considered. This public notice shall also include the statement of qualifications form to be completed for each project as well as the date and time by which submittal of the statement of qualifications will be accepted.

- c) In addition to publication in the official State newspaper, abstracts may be posted on CDB's Internet Site ([cdb.state.il.us](http://cdb.state.il.us)).

(Source: Amended at 24 Ill. Reg. 11618, effective JUL 24 2000)

## Section 1000.200 Small Projects

For contracts whose estimated value is less than \$25,000, CDB may select any prequalified A/E in accordance with Section 45 of ~~and--not--covered--by~~ the Architectural, Engineering, and Land Surveying Qualification Based Selection Act [30 ILCS 535]-~~EBB-may-select-any-prequalified-A/E~~.

(Source: Amended at 24 Ill. Reg. 11618, effective JUL 24 2000)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Numbers: 113.247  
Adopted Action: Amendment
- 4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].
- 5) Effective Date of Amendment: July 18, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 18, 2000 (24 Ill. Reg. 2562)
- 10) Has JCAR Issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: The following change was made in the text of the proposed amendment:
- Section 113.247(c)(1) was changed to 113.247(d) and the remainder of the Section was renumbered accordingly.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements? Yes

- 13) Will this amendment replace an emergency amendment currently in effect?  
No

- 14) Are there any amendments pending on this Part: Yes

Section Numbers	Proposed Action	Illinois Register Citation
113.253	Amendment	24 Ill. Reg. 949
113.260	Amendment	24 Ill. Reg. 949

- 15) Summary and Purpose of Amendment: This rulemaking eliminates the nonstandard therapeutic diet allowance provided as a supplement to an AABD cash client's regular food allowance. Eliminating the nonstandard allowance would not affect the provision of the standard therapeutic diet allowance, i.e., ulcer, diabetic, high protein/high caloric/high vitamin.

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The current rule requires that the nonstandard diet be evaluated by a dietician consultant who would approve the allowance as well as the amount. There are no Department procedures for approving a nonstandard diet.

16) Information and questions regarding this adopted amendment shall be directed to:

Mrs. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
(217) 785-9772

The full text of adopted amendment begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMS

## PART 113

AID TO THE AGED, BLIND OR DISABLED

## SUBPART A: GENERAL PROVISIONS

Section	
113.1	Description of the Assistance Program
113.5	Incorporation By Reference

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
113.9	Client Cooperation
113.10	Citizenship
113.20	Residence
113.30	Age
113.40	Blind
113.50	Disabled
113.60	Living Arrangement
113.70	Institutional Status
113.80	Social Security Number

## SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	
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113.101	Budgeting Unearned Income
113.102	Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
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## NOTICE OF ADOPTED AMENDMENTS

113.262 Meeting the Needs of an Ineligible Dependent with Client's Income  
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 113.300 Persons Who May Be Included In the Assistance Unit  
 113.301 Grandfathered Cases  
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 113.303 Special Needs Authorizations  
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 113.307 Property Repairs and Maintenance  
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Section  
 113.400 Description of the Interim Assistance Program  
 113.405 Pending SSI Application (Repealed)  
 113.410 More Likely Than Not Eligible for SSI (Repealed)  
 113.415 Non-Financial Factors of Eligibility (Repealed)  
 113.420 Financial Factors of Eligibility (Repealed)  
 113.425 Payment Levels for Chicago Interim Assistance Cases (Repealed)  
 113.430 Payment Levels for all Interim Assistance Cases Outside Chicago (Repealed)  
 113.435 Medical Eligibility (Repealed)  
 113.440 Attorney's Fees for SSI Applicants (Repealed)  
 113.445 Advocacy Program for Persons Receiving Interim Assistance (Repealed)  
 113.450 Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)  
 113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; emergency expired January 28, 1979; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33,

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p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended

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at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 5291, effective April 1, 1991; a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective January 10, 1991, for amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg.



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3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995; emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13642, effective July 15, 1998; emergency amendment at 22 Ill. Reg. 16348, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 18931, effective October 1, 1998; emergency amendment at 22 Ill. Reg. 21750, effective November 24, 1998, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 579, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1607, effective January 20, 1999; amended at 23 Ill. Reg. 5548, effective April 23, 1999; amended at 23 Ill. Reg. 6052, effective May 4, 1999; amended at 23 Ill. Reg. 6425, effective May 15, 1999; amended at 23 Ill. Reg. 6935, effective May 30, 1999; amended at 23 Ill. Reg. 7887, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8650, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10161, effective August 3, 1999; amended at 23 Ill. Reg. 13852, effective November 19, 1999; amended at 24 Ill. Reg. 2328, effective February 1, 2000; amended at 24 Ill. Reg. 2122, effective February 1, 2000.

## SUBPART A: PAYMENT AMOUNTS

## Section 113.247 Personal Allowance Amounts

The amount of the personal allowance, based on degree of activity, number eating together, and living arrangement, is as follows:

a) For an active recipient:

PERSONS EATING TOGETHER	FOOD	CLOTHING	HOUSEHOLD SUPPLIES	PERSONAL ESSENTIALS
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## DEPARTMENT OF HUMAN SERVICES

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PERSONS EATING TOGETHER	FOOD	CLOTHING	HOUSEHOLD SUPPLIES	PERSONAL ESSENTIALS
1	\$38.68	\$8.77	\$2.56	\$12.42
2	\$35.47	\$8.77	\$2.04	\$10.97
3 thru 7	\$32.25	\$8.77	\$1.72	\$10.97
8 or more	\$31.70	\$8.77	\$1.47	\$10.97

b) For a bedfast recipient:

PERSONS EATING TOGETHER	FOOD	CLOTHING	HOUSEHOLD SUPPLIES	PERSONAL ESSENTIALS
1	\$35.91	\$4.24	\$2.56	\$5.40
2	\$32.91	\$4.24	\$2.04	\$4.79
3 thru 7	\$29.91	\$4.24	\$1.72	\$4.79
8 or more	\$29.46	\$4.24	\$1.47	\$4.79

c) For a long term group care recipient, the personal allowance is \$30.00.

d) Food

1) Therapeutic Diet Allowance

A therapeutic diet allowance is allowed to supplement the regular food allowance when:

A) The diet is prescribed by a physician; and  
B) The food allowance is insufficient to purchase the prescribed diet.

2) Standard therapeutic diet allowances provided are:

## TYPE OF DIET

## AMOUNT

TYPE OF DIET	AMOUNT
A) Ulcer (and other chronic conditions requiring a bland low residue diet).	\$ 5.95
B) Diabetic - less than 1700 calories or more - adult.	\$ 7.92
C) Diabetic - 1700 calories or more - adults.	\$17.82
D) Diabetic - all children.	\$17.82
E) High-protein, High caloric, High-vitamin for recipients 13 years of age and over.	\$12.85
F) High-protein, High caloric, High-vitamin for children 9 through 12 years.	\$ 7.91
G) High-protein, High-vitamin for children 3 through 5 years.	\$ 9.02



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- e) Approval of Allowance  
 i) Partial food allowance is authorized or for a non-standard diet requires approval of the Department. Nonstandard diets are approved by the Bureau of Provider Services on a case-by-case basis. The Bureau approves the additional allowance if, in the opinion of the dietitian, the diet requested is medically indicated for the recipient's condition. Information is provided on a standardized form, including the diagnosis and the type of diet requested; the form must be signed by a licensed physician. A dietitian consultant reviews the request by comparing the cost of the special foods requested with the cost of normal foods. The Bureau then determines whether to approve the additional allowance rather than the diet itself. ii)

- 3) In lieu of the food allowance, the following allowances are used in the specific situations indicated:

A) At An allowance for meals in restaurants shall be allowed when a client has no facilities for the preparation of food, or is unable to cook, and has no one who will prepare meals.

B) At The maximum allowance for three meals per day, seven days per week in a restaurant is \$102.63 monthly.

C) At When fewer than three meals per day are required to be taken in restaurants, the total food allowance is to be adjusted on the following percentage basis:

Breakfast 20% Lunch 30% Dinner 50%

4B) Room and Board

A) At An allowance for Room and Board is issued in lieu of food, shelter and household supply allowances when meals are provided by the landlord and prepared by someone other than the client. The actual cost of Room and Board not to exceed a maximum allowance of \$134.98 per month shall be provided in the following counties:

Cook, Dupage, Kane, Lake

B) At The actual cost of Room and Board not to exceed a maximum allowance of \$127.43 per month shall be provided in all other counties.

5P) Home Delivered Meals

An allowance is to be provided for home delivered meals for clients who are confined to their homes because of illness or incapacity. A separate food allowance is made for the meals not provided by the service. Allowances provided are reflected in Section 113.257.

e) Clothing

1) At The clothing allowances covers the cost of replacing clothing items needed to protect health, maintain cleanliness and permit normal participation in community activities.

2) At The clothing allowance is increased by 20% for men requiring size 48 or larger, and women requiring size 46 (26 1/2) or

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

larger. A man's size 48 refers to a size 48 suit. A woman's size 46 (26 1/2) refers to a 46 blouse size or a 26 1/2 dress size.

f) Household Supplies

1) At An allowance for household supplies covers the cost of cleaning supplies and the replacement of essential household items such as minimum laundry equipment, linens, dishes and cooking utensils.

2) At This allowance is not provided for clients in room and board arrangements.

g) Personal Essentials

An allowance for personal essentials covers needs of hair care, essential toilet items, minor first-aid supplies, an occasional newspaper, limited public transportation and phone calls.

(Source: Amended JUL 18 2000 at 24 Ill. Reg. 11622, effective )

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Pretreatment Programs
- 2) Code Citation: 35 Ill. Adm. Code 310
- 3) Section Numbers: Adopted Action:  
310.107 Amended
- 4) Statutory Authority: 415 ILCS 5/13, 13.3 and 27.
- 5) Effective Date of Rulemaking: July 24, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes. The adopted amendments incorporate 40 CFR 136 by reference.
- 8) The adopted amendments, a copy of the Board's opinion and order adopted July 13, 2000, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of Proposal Published in Illinois Register: May 22, 2000, 24 Ill. Reg. 7590.
- 10) Has JCAR issued a Statement of Objections to these rules? No. Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).
- 11) Differences between proposal and final version: The following table summarizes the differences between the amendments proposed by the Board in an opinion and order dated May 4, 2000, in docket R00-15, and the amendments adopted by the Board in an opinion and order dated July 13, 2000;
- | Section Revised | Source(s) of Revision(s) | Revision(s)                                                                                      |
|-----------------|--------------------------|--------------------------------------------------------------------------------------------------|
| 310.107(c)      | Board                    | Did not add section symbol, symbol unable to be duplicated in the Legislative Information System |
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Section 13.3 of the

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.
- 13) Will this rulemaking replace an emergency rulemaking currently in effect?  
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: A more detailed description is contained in the Board's opinion and order of July 13, 2000, in R00-15, which opinion and order is available from the address below.
- The R00-15 proceeding updates the Board's wastewater pretreatment rules to correspond with amendments adopted by USEPA that appeared in the *Federal Register* during the period July 1, 1999, through December 31, 1999.
- Specifically, the amendments to Part 310.107 include minor revisions in the August 4, 1999, September 2, 1999, and December 30, 1999 *Federal Register* to standards for the use or disposal of sewage sludge and methods available for use in testing for the purposes of compliance with the Clean Water Act (CWA) (33 USC 1251 et seq. (1996)).
- 16) Information and questions regarding this adopted amendment shall be directed to:
- Steven C. Lanfhoff  
Attorney  
Illinois Pollution Control Board  
600 S. Second Street, Suite 402  
Springfield, IL 62704  
217-782-2615
- Request copies of the Board's opinion and order of R00-15 from Patricia Jones, at 312-814-3620, or download from the Board's web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

The full text of the adopted amendments begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE C: WATER POLLUTION

## CHAPTER I: POLLUTION CONTROL BOARD

## PART 310

## PRETREATMENT PROGRAMS

## SUBPART A: GENERAL PROVISIONS

## Section

310.101 Applicability

310.102 Objectives

310.103 Federal Law

310.104 State Law

310.105 Confidentiality

310.107 Incorporations by Reference

310.110 Definitions

310.111 New Source

## SUBPART B: PRETREATMENT STANDARDS

## Section

310.201 General Prohibitions

310.202 Specific Prohibitions

310.210 Specific Limits Developed by POTW

310.211 Local Limits

310.220 Categorical Standards

310.221 Category Determination Request

310.222 Deadline for Compliance with Categorical Standards

310.230 Concentration and Mass Limits

310.232 Dilution

310.233 Combined Wastestream Formula

## SUBPART C: REMOVAL CREDITS

## Section

310.301 Special Definitions

310.302 Authority

310.303 Conditions for Authorization to Grant Removal Credits

310.310 Calculation of Revised Discharge Limits

310.311 Demonstration of Consistent Removal

310.312 Provisional Credits

310.320 Compensation for Overflow

310.330 Exception to POTW Pretreatment Program

310.340 Application for Removal Credits Authorization

310.341 Agency Review

310.343 Assistance of POTW

310.350 Continuation of Authorization

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## 310.351 Modification or Withdrawal of Removal Credits

## SUBPART D: PRETREATMENT PERMITS

## Section

310.400 Preamble

310.401 Pretreatment Permits

310.402 Time to Apply

310.403 Imminent Endangerment

310.410 Application

310.411 Certification of Capacity

310.412 Signatures

310.413 Site Visit

310.414 Completeness

310.415 Time Limits

310.420 Standard for Issuance

310.421 Final Action

310.430 Conditions

310.431 Duration of Permits

310.432 Schedules of Compliance

310.441 Effect of a Permit

310.442 Modification

310.443 Revocation

310.444 Appeal

## SUBPART E: POTW PRETREATMENT PROGRAMS

## Section

310.501 Pretreatment Programs Required

310.502 Deadline for Program Approval

310.503 Incorporation of Approved Programs in Permits

310.504 Incorporation of Compliance Schedules in Permits

310.505 Reissuance or Modification of Permits

310.510 Pretreatment Program Requirements

310.521 Program Approval

310.522 Contents of Program Submission

310.524 Content of Removal Allowance Submission

310.531 Agency Action

310.532 Defective Submission

310.533 Water Quality Management

310.541 Deadline for Review

310.542 Public Notice and Hearing

310.543 Agency Decision

310.544 USEPA Objection

310.545 Notice of Decision

310.546 Public Access to Submission

310.547 Appeal



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART F: REPORTING REQUIREMENTS

Section	
310.601	Definition of Control Authority
310.602	Baseline Report
310.603	Compliance Schedule
310.604	Report on Compliance with Deadline
310.605	Periodic Reports on Compliance
310.606	Notice of Potential Problems
310.610	Monitoring and Analysis
310.611	Requirements for Non-Categorical Standard Users
310.612	Annual POTW Reports
310.613	Notification of Changed Discharge
310.621	Compliance Schedule for POTW's
310.631	Signatory Requirements for Industrial User Reports
310.632	Signatory Requirements for POTW Reports
310.633	Fraud and False Statements
310.634	Recordkeeping Requirements
310.635	Notification of Discharge of Hazardous Waste

## SUBPART G: FUNDAMENTALLY DIFFERENT FACTORS

Section	
310.701	Definition of Requester
310.702	Purpose and Scope
310.703	Criteria
310.704	Fundamentally Different Factors
310.705	Factors which are Not Fundamentally Different
310.706	More Stringent State Law
301.711	Application Deadline
310.712	Contents of FDF Request
310.713	Deficient Requests
310.714	Public Notice
310.721	Agency Review of FDF Requests
310.722	USEPA Review of FDF Requests

## SUBPART H: ADJUSTMENTS FOR POLLUTANTS IN INTAKE

Section	
310.801	Net/Gross Calculation by USEPA

## SUBPART I: UPSETS

Section	
310.901	Definition
310.902	Effect of an Upset
310.903	Conditions Necessary for an Upset
310.904	Burden of Proof
310.905	Reviewability of Claims of Upset

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## 310.906 User Responsibility in Case of Upset

## SUBPART J: BYPASS

Section	Definition	Bypass Not Violating	Applicable	Pretreatment	Standards or Requirements
310.910					
310.911					
310.912					
310.913					

## SUBPART K: MODIFICATION OF POTW PRETREATMENT PROGRAMS

Section	
310.920	General
310.921	Substantial Modifications Defined
310.922	Approval Procedures for Substantial Modifications
310.923	Approval Procedures for Non-Substantial Modifications
310.924	Incorporation of Modifications into the Permit

AUTHORITY: Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3 and 27].

SOURCE: Adopted in R86-44 at 12 Ill. Reg. 2502, effective January 13, 1988; amended in R88-18 at 13 Ill. Reg. 2463, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19243, effective November 27, 1989; amended in R89-12 at 14 Ill. Reg. 7608, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7346, effective April 27, 1992; amended in R95-22 at 20 Ill. Reg. 5533, effective April 1, 1996; amended in R96-12 at 20 Ill. Reg. 10671, effective July 24, 1996; amended in R97-7 at 21 Ill. Reg. 5163, effective April 10, 1997; amended in R98-23 at 22 Ill. Reg. 11465, effective June 22, 1998; amended in R99-17 at 23 Ill. Reg. 8412, effective July 12, 1999; amended in R00-7 at 24 Ill. Reg. 2372, effective January 26, 2000; amended in R00-15 at 24 Ill. Reg. 11638, effective July 24, 2000.

## SUBPART A: GENERAL PROVISIONS

## Section 310.107 Incorporations by Reference

a) The following publications are incorporated by reference:

- 1) The consent decree in NRDC v. Costle, 12 Environment Reporter Cases 1833 (D.C. Cir. August 16, 1978).
  - 2) Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401.
- b) The following provisions of the Code of Federal Regulations are incorporated by reference:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 40 CFR 2.302 (1999 1998)  
 40 CFR 25 (1999 1998)  
 40 CFR 122, Appendix D, Tables II and III (1999 1998)  
 40 CFR 128.140(b) (1977)  
 40 CFR 136 (1999 1998), as amended at 64 Fed. Reg. 42552, August 4, 1999, and 64 Fed. Reg. 73414, December 30, 1999 63--Fed--Reg--50388--September--21--1998--as--amended--at--64--Fed--Reg--49757--February--27--1999--as--amended--at--64--Fed--Reg--26315--May--14--1999--as--amended--at--64--Fed--Reg--30417--June--07--1999  
 40 CFR 403 (1999 1998)  
 40 CFR 403, Appendix D (1999 1998)

c) The following federal statutes are incorporated by reference:

- 1) Section 1001 of the Criminal Code (18 USC 1001) as of July 1, 1988  
 2) Clean Water Act (33 USC 1251 et seq.) as of July 1, 1988  
 3) Subtitles C and D of the Resource Conservation and Recovery Act (42 USC 6901 et seq.) as of July 1, 1988  
 d) This Part incorporates no future editions or amendments.

(Source: Amended at 24 Ill. Reg. 11633 effective July 24, 2000)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Sewer Discharge Criteria  
 2) Code citation: 35 Ill. Adm. Code 307  
 3) Section numbers: Adopted action:  
     307.4900 Amended  
     307.4901 Amended  
     307.4902 Amended  
     307.4903 Amended  
     307.4904 Amended  
 4) Statutory authority: 415 ILCS 5/13, 13.3 and 27.  
 5) Effective date of amendments: July 24, 2000  
 6) Does this rulemaking contain an automatic repeal date? No  
 7) Do these amendments contain incorporations by reference? Yes. The adopted amendments incorporate 40 CFR 439.1, 439.17, 439.27, 439.37, and 439.47 by reference.  
 8) Statement of availability: The adopted amendments, a copy of the Board's opinion and order adopted July 13, 2000, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.  
 9) Notice of proposal published in Illinois Register: May 22, 2000, 24 Ill. Reg. 7598.  
 10) Has JCAR issued a Statement of Objections to these rules? No. Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).  
 11) Differences between proposal and final version: No changes were made.  
 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.  
 13) Will these amendments replace emergency rules currently in effect? No

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- (14) Are there any other amendments pending on this Part? No
- (15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of July 13, 2000, in R00-15, which opinion and order is available from the address below.
- The R00-15 proceeding updates the Board's wastewater pretreatment rules to correspond with amendments adopted by USEPA that appeared in the *Federal Register* during the period July 1, 1999, through December 31, 1999.
- Specifically, the amendments to Part 310.107 include minor revisions in the August 4, 1999, September 2, 1999, and December 30, 1999 *Federal Register* to standards for the use or disposal of sewage sludge and methods available for use in testing for the purposes of compliance with the Clean Water Act (CWA) (33 USC 1251 et seq. (1996)).

- (16) Information and questions regarding these adopted amendments shall be directed to:

Steven C. Langhoff  
Attorney  
Illinois Pollution Control Board  
600 S. Second Street, Suite 402  
Springfield IL 62704  
217-782-2615

Request copies of the Board's opinion and order of R00-15 from Patricia Jones, at 312-814-3620, or download from the Board's web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

The full text of the adopted amendments begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD

PART 307  
SEWER DISCHARGE CRITERIA

## SUBPART A: GENERAL PROVISIONS

Section  
307.101  
307.102  
307.103  
307.104  
307.105  
307.1001  
307.1002  
307.1003  
307.1005

Preamble (Renumbered)  
General Requirements (Renumbered)  
Mercury (Renumbered)  
Cyanide (STORET number 00720) (Renumbered)  
Pretreatment Requirements (Repealed)  
Preamble  
Definitions  
Test Procedures for Measurement  
Toxic Pollutants

## SUBPART B: GENERAL AND SPECIFIC PRETREATMENT REQUIREMENTS

Section  
307.1101  
307.1102  
307.1103

General and Specific Requirements  
Mercury  
Cyanide

## SUBPART F: DAIRY PRODUCTS PROCESSING

Section  
307.1501  
307.1502  
307.1503  
307.1504  
307.1505  
307.1506  
307.1507  
307.1508  
307.1509  
307.1510  
307.1511  
307.1512

Receiving Stations  
Fluid Products  
Cultured Products  
Butter  
Cottage Cheese and Cultured Cream Cheese  
Natural and Processed Cheese  
Fluid Mix for Ice Cream and other Frozen Desserts  
Ice Cream, Frozen Desserts, Novelties and Other Dairy Desserts  
Condensed Milk  
Dry Milk  
Condensed Whey  
Dry Whey

## SUBPART G: GRAIN MILLS

Section  
307.1601  
307.1602

Corn Wet Milling  
Corn Dry Milling



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

307.1603 Normal Wheat Flour Milling  
 307.1604 Bulgur Wheat Flour Milling  
 307.1605 Normal Rice Milling  
 307.1606 Parboiled Rice Milling  
 307.1607 Animal Feed  
 307.1608 Hot Cereal  
 307.1609 Ready-to-eat Cereal  
 307.1610 Wheat Starch and Gluten

## SUBPART H: CANNED AND PRESERVED FRUITS AND VEGETABLES

Section  
 307.1700 General Provisions  
 307.1701 Apple Juice  
 307.1702 Apple Products  
 307.1703 Citrus Products  
 307.1704 Frozen Potato Products  
 307.1705 Dehydrated Potato Products  
 307.1706 Canned and Preserved Fruits  
 307.1707 Canned and Preserved Vegetables  
 307.1708 Canned and Miscellaneous Specialties

## SUBPART I: CANNED AND PRESERVED SEAFOOD

Section  
 307.1801 Farm-raised Catfish  
 307.1815 Fish Meal Processing Subcategory

## SUBPART J: SUGAR PROCESSING

Section  
 307.1901 Beet Sugar Processing  
 307.1902 Crystalline Cane Sugar Refining  
 307.1903 Liquid Cane Sugar Refining

## SUBPART K: TEXTILE MILLS

Section  
 307.2000 General Provisions  
 307.2001 Wool Scouring  
 307.2002 Wool Finishing  
 307.2003 Low Water Use Processing  
 307.2004 Woven Fabric Finishing  
 307.2005 Knit Fabric Finishing  
 307.2006 Carpet Finishing  
 307.2007 Stock and Yarn Finishing  
 307.2008 Nonwoven Manufacturing  
 307.2009 Felted Fabric Processing

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART L: CEMENT MANUFACTURING

Section  
 307.2101 Nonleaching  
 307.2102 Leaching  
 307.2103 Materials Storage Piles Runoff

## SUBPART M: FEEDLOTS

Section  
 307.2201 General  
 307.2202 Ducks

## SUBPART N: ELECTROPLATING

Section  
 307.2300 General Provisions  
 307.2301 Electroplating of Common Metals  
 307.2302 Electroplating of Precious Metals  
 307.2304 Anodizing  
 307.2305 Coatings  
 307.2306 Chemical Etching and Milling  
 307.2307 Electroless Plating  
 307.2308 Printed Circuit Boards

## SUBPART O: ORGANIC CHEMICALS, PLASTICS AND SYNTHETIC FIBERS

Section  
 307.2400 General Provisions  
 307.2401 Rayon Fibers  
 307.2402 Other Fibers  
 307.2403 Thermoplastic Resins  
 307.2404 Thermosetting Resins  
 307.2405 Commodity Organic Chemicals  
 307.2406 Bulk Organic Chemicals  
 307.2407 Specialty Organic Chemicals  
 307.2410 Indirect Discharge Point Sources  
 307.2490 Non-complexed Metal-bearing and Cyanide-bearing Wastestreams  
 307.2491 Complexed Metal-bearing Wastestreams

## SUBPART P: INORGANIC CHEMICALS MANUFACTURING

Section  
 307.2500 General Provisions  
 307.2501 Aluminum Chloride Production  
 307.2502 Aluminum Sulfate Production  
 307.2503 Calcium Carbide Production  
 307.2504 Calcium Chloride Production

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

307.2505	Calcium Oxide Production
307.2506	Chlor-alkali Process (Chlorine and Sodium or Potassium Hydroxide Production)
307.2508	Hydrofluoric Acid Production
307.2509	Hydrogen Peroxide Production
307.2511	Potassium Metal Production
307.2512	Potassium Dichromate Production
307.2513	Potassium Sulfate Production
307.2514	Sodium Bicarbonate Production
307.2516	Sodium Chloride Production
307.2517	Sodium Dichromate and Sodium Sulfate Production
307.2520	Sodium Sulfite Production
307.2522	Titanium Dioxide Production
307.2523	Aluminum Fluoride Production
307.2524	Ammonium Chloride Production
307.2527	Borax Production
307.2528	Boric Acid Production
307.2529	Bromine Production
307.2530	Calcium Carbonate Production
307.2531	Calcium Hydroxide Production
307.2533	Carbon Monoxide and Byproduct Hydrogen Production
307.2534	Chrome Pigments Production
307.2535	Chromic Acid Production
307.2536	Copper Salts Production
307.2538	Ferric Chloride Production
307.2540	Fluorine Production
307.2541	Hydrogen Production
307.2542	Hydrogen Cyanide Production
307.2543	Iodine Production
307.2544	Lead Monoxide Production
307.2545	Lithium Carbonate Production
307.2547	Nickel Salts Production
307.2549	Oxygen and Nitrogen Production
307.2550	Potassium Chloride Production
307.2551	Potassium Iodide Production
307.2553	Silver Nitrate Production
307.2554	Sodium Bisulfite Production
307.2555	Sodium Fluoride Production
307.2560	Stannic Oxide Production
307.2563	Zinc Sulfate Production
307.2564	Cadmium Pigments and Salts Production
307.2565	Cobalt Salts Production
307.2566	Sodium Chlorate Production
307.2567	Zinc Chloride Production

## SUBPART R: SOAP AND DETERGENTS

Section

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

307.2701	Soap Manufacturing by Batch Kettle
307.2702	Fatty Acid Manufacturing by Fat Splitting
307.2703	Soap Manufacturing by Fatty Acid Neutralization
307.2704	Glycerine Concentration
307.2705	Glycerine Distillation
307.2706	Manufacture of Soap Flakes and Powders
307.2707	Manufacture of Bar Soaps
307.2708	Manufacture of Liquid Soaps
307.2709	Oilum Sulfonation and Sulfation
307.2710	Air-Sulfur Trioxide Sulfation and Sulfonation
307.2711	Sulfur Trioxide Solvent and Vacuum Sulfonation
307.2712	Sulfamic Acid Sulfation
307.2713	Chlorosulfonic Acid Sulfation
307.2714	Neutralization of Sulfuric Acid Esters and Sulfonic Acids
307.2715	Manufacture of Spray Dried Detergents
307.2716	Manufacture of Liquid Detergents
307.2717	Manufacturing of Detergents by Dry Blending
307.2718	Manufacture of Drum Dried Detergents
307.2719	Manufacture of Detergent Bars and Cakes

## SUBPART S: FERTILIZER MANUFACTURING

Section	
307.2801	Phosphate
307.2802	Ammonia
307.2803	Urea
307.2804	Ammonium Nitrate
307.2805	Nitric Acid
307.2806	Ammonium Sulfate Production
307.2807	Mixed and Blend Fertilizer Production

## SUBPART T: PETROLEUM REFINING

Section	
307.2901	Topping
307.2902	Cracking
307.2903	Petrochemical
307.2904	Lube
307.2905	Integrated

## SUBPART U: IRON AND STEEL MANUFACTURING

Section	
307.3000	General Provisions
307.3001	Cokemaking
307.3002	Sintering
307.3003	Ironmaking
307.3004	Steelmaking

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

307.3005	Vacuum Degassing
307.3006	Continuous Casting
307.3007	Hot Forming
307.3008	Salt Bath Descaling
307.3009	Acid Pickling
307.3010	Cold Forming
307.3011	Alkaline Cleaning
307.3012	Hot Coating
SUBPART V: NONFERROUS METALS MANUFACTURING	
Section	
307.3100	General Provisions
307.3101	Bauxite Refining
307.3102	Primary Aluminum Smelting
307.3103	Secondary Aluminum Smelting
307.3104	Primary Copper Smelting
307.3105	Primary Electrolytic Copper Refining
307.3106	Secondary Copper
307.3107	Primary Lead
307.3108	Primary Zinc
307.3109	Metallurgical Acid Plants
307.3110	Primary Tungsten
307.3111	Primary Columbium-Tantalum
307.3112	Secondary Silver
307.3113	Secondary Lead
307.3114	Primary Antimony
307.3115	Primary Beryllium
307.3116	Primary and Secondary Germanium and Gallium
307.3117	Secondary Indium
307.3118	Secondary Mercury
307.3119	Primary Molybdenum and Rhenium
307.3120	Secondary Molybdenum and Vanadium
307.3121	Primary Nickel and Cobalt
307.3122	Secondary Nickel
307.3123	Primary Precious Metals and Mercury
307.3124	Secondary Precious Metals
307.3125	Primary Rare Earth Metals
307.3126	Secondary Tantalum
307.3127	Secondary Tin
307.3128	Primary and Secondary Titanium
307.3129	Secondary Tungsten and Cobalt
307.3130	Secondary Uranium
307.3131	Primary Zirconium and Hafnium

SUBPART X: STEAM ELECTRIC POWER GENERATING

Section

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

307.3301	Steam Electric Power Generating
SUBPART Y: FERROALLOY MANUFACTURING	
Section	
307.3401	Open Electric Furnaces With Wet Air Pollution Control Devices
307.3402	Covered Electric Furnaces and Other Smelting Operations with Wet Air Pollution Control Devices
307.3403	Slag Processing
307.3404	Covered Calcium Carbide Furnaces With Wet Air Pollution Control Devices
307.3405	Other Calcium Carbide Furnaces
307.3406	Electrolytic Manganese Products
307.3407	Electrolytic Chromium

SUBPART Z: LEATHER TANNING AND FINISHING

Section	
307.3500	General Provisions
307.3501	Hair Pulp, Chrome Tan, Retan-Wet Finish
307.3502	Hair Save, Chrome Tan, Retan-Wet Finish
307.3503	Hair Save or Pulp, Non-Chrome Tan, Retan-Wet Finish
307.3504	Retan-Wet Finish-Sides
307.3505	No Beamhouse
307.3506	Through-the-Blue
307.3507	Shearling
307.3508	Pigskin
307.3509	Retan-Wet Finish-Splits
307.3590	Potassium Ferricyanide Titration Method

SUBPART BA: GLASS MANUFACTURING

Section	
307.3601	Insulation Fiberglass
307.3602	Sheet Glass Manufacturing
307.3603	Rolled Glass Manufacturing
307.3604	Plate Glass Manufacturing
307.3605	Float Glass Manufacturing
307.3606	Automotive Glass Tempering
307.3607	Automotive Glass Laminating
307.3608	Glass Container Manufacturing
307.3610	Glass Tubing (Danner) Manufacturing
307.3611	Television Picture Tube Envelope Manufacturing
307.3612	Incandescent Lamp Envelope Manufacturing
307.3613	Hand Pressed and Blown Glass Manufacturing

SUBPART BB: ASBESTOS MANUFACTURING



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Section	
307.3701	Asbestos-Cement Pipe
307.3702	Asbestos-Cement Sheet
307.3703	Asbestos Paper (Starch Binder)
307.3704	Asbestos Paper (Elastomeric Binder)
307.3705	Asbestos Millboard
307.3706	Asbestos Roofing
307.3707	Asbestos Floor Tile
307.3708	Coating or Finishing of Asbestos Textiles
307.3709	Solvent Recovery
307.3710	Vapor Absorption
307.3711	Wet Dust Collection
	SUBPART BC: RUBBER MANUFACTURING
Section	
307.3801	Tire and Inner Tube Plants
307.3802	Emulsion Crumb Rubber
307.3803	Solution Crumb Rubber
307.3804	Latex Rubber
307.3805	Small-Sized General Molded, Extruded and Fabricated Rubber Plants
307.3806	Medium-Sized General Molded, Extruded and Fabricated Rubber Plants
307.3807	Large-Sized General Molded, Extruded and Fabricated Rubber Plants
307.3808	Wet Digestion Reclaimed Rubber
307.3809	Pan, Dry Digestion and Mechanical Reclaimed Rubber
307.3810	Latex-Dipped, Latex-Extruded and Latex-Molded Rubber
307.3811	Latex Foam

## SUBPART BD: TIMBER PRODUCTS PROCESSING

Section	
307.3900	General Provisions
307.3901	Barking
307.3902	Veneer
307.3903	Plywood
307.3904	Dry Process Hardboard
307.3905	Wet Process Hardboard
307.3906	Wood Preserving-Water Borne or Nonpressure
307.3907	Wood Preserving-Steam
307.3908	Wood Preserving-Boulton
307.3909	Wet Storage
307.3910	Log Washing
307.3911	Sawmills and Planing Mills
307.3912	Finishing
307.3913	Particleboard Manufacturing
307.3914	Insulation Board
307.3915	Wood Furniture and Fixture Production Without Water Wash Spray Booth(s) or Without Laundry Facilities

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

307.3916	Wood Furniture and Fixture Production with Water Wash Spray Booth(s) or With Laundry Facilities
	SUBPART BE: PULP, PAPER AND PAPERBOARD
Section	
307.4000	General Provisions
307.4001	Dissolving Kraft
307.4002	Bleached Papergrade Kraft and Soda
307.4003	Unbleached Kraft
307.4004	Dissolving Sulfite
307.4005	Papergrade Sulfite
307.4006	Semi-Chemical
307.4007	Mechanical Pulp
307.4008	Non-Wood Chemical Pulp
307.4009	Secondary Fiber Deink
307.4010	Secondary Fiber Non-Deink
307.4011	Fine and Lightweight Papers from Purchased Pulp
307.4012	Tissue, Filter, Non-Woven, and Paperboard from Purchased Pulp
307.4013	Groundwood-Thermo-Mechanical (Repealed)
307.4014	Groundwood-CMN Papers (Repealed)
307.4015	Groundwood-Fine Papers (Repealed)
307.4016	Soda (Repealed)
307.4017	Deink (Repealed)
307.4018	Nonintegrated-Fine Papers (Repealed)
307.4019	Nonintegrated-Tissue Papers (Repealed)
307.4020	Tissue From Wastepaper (Repealed)
307.4021	Papergrade Sulfite (Drum Wash) (Repealed)
307.4022	Unbleached Kraft and Semi-Chemical (Repealed)
307.4023	Wastepaper-Molded Products (Repealed)
307.4024	Nonintegrated-Lightweight Papers (Repealed)
307.4025	Nonintegrated-Filter and Nonwoven Papers (Repealed)
307.4026	Nonintegrated-Paperboard (Repealed)
	SUBPART BF: BUILDERS' PAPER AND BOARD MILLS (Repealed)
Section	
307.4101	Builder's Paper and Roofing Felt (Repealed)
	SUBPART BG: MEAT PRODUCTS
Section	
307.4201	Simple Slaughterhouse
307.4202	Complex Slaughterhouse
307.4203	Low-Processing Packinghouse
307.4204	High-Processing Packinghouse
307.4205	Small Processor
307.4206	Meat Cutter

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

307.4207 Sausage and Luncheon Meats Processor  
 307.4208 Ham Processor  
 307.4209 Canned Meats Processor  
 307.4210 Renderer

## SUBPART BH: METAL FINISHING

Section  
 307.4300 General Provisions  
 307.4301 Metal Finishing

## SUBPART BN: PHARMACEUTICAL MANUFACTURING

Section  
 307.4900 General Provisions  
 307.4901 Fermentation Products  
 307.4902 Extraction Products  
 307.4903 Chemical Synthesis Products  
 307.4904 Mixing/Compounding and Formulation  
 307.4905 Research (Repealed)

## SUBPART BR: PAVING AND ROOFING MATERIALS (TARS AND ASPHALT)

Section  
 307.5301 Asphalt Emulsion  
 307.5302 Asphalt Concrete  
 307.5303 Asphalt Roofing  
 307.5304 Linoleum and Printed Asphalt Felt

## SUBPART BU: PAINT FORMULATING

Section  
 307.5601 Oil-Base Solvent Wash Paint

## SUBPART BV: INK FORMULATING

Section  
 307.5701 Oil-Base Solvent Wash Ink

## SUBPART CD: PESTICIDE CHEMICALS

Section  
 307.6500 General Provisions  
 307.6501 Organic Pesticide Chemicals Manufacturing  
 307.6502 Metallo-organic Pesticides Chemicals Manufacturing  
 307.6503 Pesticide Chemicals Formulating and Packaging

## SUBPART CG: CARBON BLACK MANUFACTURING

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Section  
 307.6801 Carbon Black Furnace Process  
 307.6802 Carbon Black Thermal Process  
 307.6803 Carbon Black Channel Process  
 307.6804 Carbon Black Lamp Process

## SUBPART CJ: BATTERY MANUFACTURING

Section  
 307.7100 General Provisions  
 307.7101 Cadmium  
 307.7102 Calcium  
 307.7103 Lead  
 307.7104 Leclanche  
 307.7105 Lithium  
 307.7106 Magnesium  
 307.7107 Zinc

## SUBPART CL: PLASTICS MOLDING AND FORMING

Section  
 307.7300 General Provisions  
 307.7301 Contact Cooling and Heating Water  
 307.7302 Cleaning Water  
 307.7303 Finishing Water

## SUBPART CM: METAL MOLDING AND CASTING

Section  
 307.7400 General Provisions  
 307.7401 Aluminum Casting  
 307.7402 Copper Casting  
 307.7403 Ferrous Casting  
 307.7404 Zinc Casting

## SUBPART CN: COIL COATING

Section  
 307.7500 General Provisions  
 307.7501 Steel Basis Material  
 307.7502 Galvanized Basis Material  
 307.7503 Aluminum Basis Material  
 307.7504 Canmaking

## SUBPART CO: PORCELAIN ENAMELING

Section  
 307.7600 General Provisions

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

307.7601 Steel Basis Material  
 307.7602 Cast Iron Basis Material  
 307.7603 Aluminum Basis Material  
 307.7604 Copper Basis Material

## SUBPART CP: ALUMINUM FORMING

Section  
 307.7700 General Provisions  
 307.7701 Rolling With Neat Oils  
 307.7702 Rolling With Emulsions  
 307.7703 Extrusion  
 307.7704 Forging  
 307.7705 Drawing With Neat Oils  
 307.7706 Drawing With Emulsions or Soaps

## SUBPART CQ: COPPER FORMING

Section  
 307.7800 General Provisions  
 307.7801 Copper Forming  
 307.7802 Beryllium Copper Forming

## SUBPART CR: ELECTRICAL AND ELECTRONIC COMPONENTS

Section  
 307.7901 Semiconductor  
 307.7902 Electronic Crystals  
 307.7903 Cathode Ray Tube  
 307.7904 Luminescent Materials

## SUBPART CT: NONFERROUS METALS FORMING AND METAL POWDERS

Section  
 307.8100 General Provisions  
 307.8101 Lead-Tin-Bismuth Forming  
 307.8102 Magnesium Forming  
 307.8103 Nickel-Cobalt Forming  
 307.8104 Precious Metals Forming  
 307.8105 Refractory Metals Forming  
 307.8106 Titanium Forming  
 307.8107 Uranium Forming  
 307.8108 Zinc Forming  
 307.8109 Zirconium-Hafnium Forming  
 307.8110 Metal Powders

## APPENDIX A References to Previous Rules (Repealed)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing Sections 7.2, 13 and 13.3 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3, and 27].

SOURCE: Adopted in R70-5, at 1 PCB 426, March 31, 1971; amended in R71-14, at 4 PCB 3, March 7, 1972; amended in R74-3, at 19 PCB 182, October 30, 1975; amended in R74-15, 16, at 31 PCB 405, at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended in R76-17, at 31 PCB 713, at 2 Ill. Reg. 45, p. 101, effective November 5, 1978; amended in R76-21, at 44 PCB 203, at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended in R82-5, 10, at 54 PCB 411, at 8 Ill. Reg. 1625, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2592, effective January 13, 1988; amended in R88-11 at 12 Ill. Reg. 13094, effective July 29, 1988; amended in R88-18 at 13 Ill. Reg. 1794, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19288, effective November 17, 1989; amended in R88-9 at 14 Ill. Reg. 3100, effective February 20, 1990; amended in R89-12 at 14 Ill. Reg. 7620, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7377, effective April 27, 1992; amended in R93-2 at 17 Ill. Reg. 19483, effective October 29, 1993; amended in R94-10 at 19 Ill. Reg. 9142, effective June 23, 1995; amended in R95-22 at 20 Ill. Reg. 5549, effective April 1, 1996; amended in R97-23 at 21 Ill. Reg. 11930, effective August 12, 1997; amended in R99-4 at 23 Ill. Reg. 4413, effective March 31, 1999; amended in R99-17 at 23 Ill. Reg. 8421, effective July 12, 1999; amended in R00-15 at 24 Ill. Reg. 11640, effective July 24, 2000.

## SUBPART BN: PHARMACEUTICAL MANUFACTURING

## Section 307.4900 General Provisions

- Applicability. This Subpart applies to any pharmaceutical manufacturing facility which introduces or may introduce process wastewater pollutants into a POTW.
- General definitions. The Board incorporates by reference 40 CFR 439.1 (1999i998), as amended at 64 Fed. Reg. 48103, September 2, 1999 63 Fed.--Reg.--503807--September-217-1998. This incorporation includes no later amendments or editions.
- Monitoring requirements. The Board incorporates by reference 40 CFR 439.4 (1999i998)7--as--amended--at--63-Fed--Reg--503807--September-217-1998. This incorporation includes no later amendments or editions.
- General pretreatment standards. The Board incorporates by reference 40 CFR 439.3 (1999i998)7--as--amended--at--63-Fed--Reg--503807--September-217--1998. This incorporation includes no later amendments or editions.
- Surrogate parameters for indirect dischargers. The Board incorporates by reference 40 CFR 439.3 (1999i998)7--as--amended--at--63-Fed--Reg--503807--September-217-19987--and--at--64-Fed--Reg--103917--March-47--1999. This incorporation includes no later amendments or editions.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective July 24, 2000)



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## Section 307.4901 Fermentation Products

- a) Applicability. This Section applies to discharges resulting from the manufacture of pharmaceuticals by fermentation.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 439.11 (1999) and 40 CFR 439.16 (1999) as amended at 63 Fed. Reg. 50388, September 21, 1998, and at 64 Fed. Reg. 10391, March 4, 1999. This incorporation includes no later amendments or editions.

## c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 439.16 (1999) as amended at 63 Fed. Reg. 50388, September 21, 1998, and at 64 Fed. Reg. 10391, March 4, 1999. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

## d) New sources:

- 1) The Board incorporates by reference 40 CFR 439.17 (1999) as amended at 64 Fed. Reg. 48103, September 2, 1999, 63 Fed. Reg. 50388, September 21, 1998, and at 64 Fed. Reg. 10391, March 4, 1999. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after November 26, 1982.

(Source: Amended at 24 Ill. Reg. 11640, effective July 24, 2000)

## Section 307.4902 Extraction Products

- a) Applicability. This Section applies to discharges resulting from the manufacture of pharmaceuticals by extraction.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 439.21 (1999) and 40 CFR 439.26 (1999) as amended at 63 Fed. Reg. 50388, September 21, 1998, and at 64 Fed. Reg. 10391, March 4, 1999. This incorporation includes no later amendments or editions.

## c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 439.26 (1999) as amended at 63 Fed. Reg. 50388, September 21, 1998, and at 64 Fed. Reg. 10391, March 4, 1999. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## d) New sources:

- 1) The Board incorporates by reference 40 CFR 439.27 (1999) as amended at 64 Fed. Reg. 48103, September 2, 1999, 63 Fed. Reg. 50388, September 21, 1998, and at 64 Fed. Reg. 10391, March 4, 1999. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after November 26, 1982.

(Source: Amended at 24 Ill. Reg. 11640, effective July 24, 2000)

## Section 307.4903 Chemical Synthesis Products

- a) Applicability. This Section applies to discharges resulting from the manufacture of pharmaceuticals by chemical synthesis.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 439.31 (1999) and 40 CFR 439.36 (1999) as amended at 63 Fed. Reg. 50388, September 21, 1998, and at 64 Fed. Reg. 10391, March 4, 1999. This incorporation includes no later amendments or editions.

## c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 439.36 (1999) as amended at 63 Fed. Reg. 50388, September 21, 1998, and at 64 Fed. Reg. 10391, March 4, 1999. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

## d) New sources:

- 1) The Board incorporates by reference 40 CFR 439.37 (1999) as amended at 64 Fed. Reg. 48103, September 2, 1999, 63 Fed. Reg. 50388, September 21, 1998, and at 64 Fed. Reg. 10391, March 4, 1999. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after November 26, 1982.

(Source: Amended at 24 Ill. Reg. 11640, effective July 24, 2000)

## Section 307.4904 Mixing/Compounding and Formulation

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- a) Applicability. This Section applies to discharges resulting from mixing/compounding and formulation operations of pharmaceutical products.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 439.41 (1999) ~~as amended at 63 Fed. Reg. 59388, September 21, 1998.~~ This incorporation includes no later amendments or editions.
- c) Existing sources:
- 1) The Board incorporates by reference 40 CFR 439.46 (1999) ~~as amended at 63 Fed. Reg. 59388, September 21, 1998.~~ This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
- 1) The Board incorporates by reference 40 CFR 439.47 (1999) ~~as amended at 64 Fed. Reg. 48103, September 2, 1999 63 Fed. Reg. 59388, September 21, 1998.~~ This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility or installation the construction of which commenced after November 26, 1982.

(Source: Amended at 24 Ill. Reg. 11640, effective July 24, 2000)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Clinical Psychologist Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1400
- 3) Section Numbers: Adopted Action:  
1400.50 Amendment
- 4) Statutory Authority: Clinical Psychologist Licensing Act [225 ILCS 15]
- 5) Effective Date of Amendments: July 24, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: April 7, 2000, at 24 Ill. Reg. 5870
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: The specific examination date has been removed.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?  
Yes
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking brings examination scores for clinical psychology into conformity with the rest of the country. There was not, until recently, a national standard for passage of the Examination for Professional Practice in Psychology (EPPP), developed by the Association of State and Provincial Psychology Boards (ASPPB), requiring states to establish their own minimum passing grade. Since ASPPB now administers the exam on a pass/fail basis, the 70% score set by Illinois is now obsolete.
- 16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

Attention: Jean Courtney  
 320 West Washington, 3rd Floor  
 Springfield, Illinois 62786  
 217/785-0813  
 Fax #: 217/782-7645

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS  
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1400

## CLINICAL PSYCHOLOGIST LICENSING ACT

Section	
1400.10	Statutory Authority (Repealed)
1400.20	Licensure Qualifications
1400.30	Experience Defined
1400.40	Application for Examination
1400.50	Examination
1400.60	Endorsement
1400.65	Renewals
1400.70	Restoration
1400.75	Fees
1400.80	Unethical, Unauthorized, or Unprofessional Conduct
1400.90	Granting Variances

AUTHORITY: Implementing the Clinical Psychologist Licensing Act [225 ILCS 15] and authorized by Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15].

SOURCE: Adopted at 5 Ill. Reg. 935, effective January 15, 1981; codified at 5 Ill. Reg. 11057; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; transferred from Chapter I, 68 Ill. Adm. Code 400 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1400 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2972; emergency amendment at 13 Ill. Reg. 2519, effective February 8, 1989, for a maximum of 150 days; emergency expired July 8, 1989; amended at 14 Ill. Reg. 4515, effective March 12, 1990; amended by adding Section 1400.20(b)(10) and (c)(2)(H) and Section 1400.30(a)(4), (b)(4) and (c)(5) at 14 Ill. Reg. 12735, effective July 30, 1990; amended at 18 Ill. Reg. 11191, effective June 30, 1994; expedited correction at 19 Ill. Reg. 989, effective June 30, 1994; amended at 20 Ill. Reg. 7868, effective May 30, 1996; emergency amendment at 21 Ill. Reg. 9217, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 15240, effective November 17, 1997; amended at 24 Ill. Reg. 211658, effective JUL 24 2000.

## Section 1400.50 Examination

- a) The required examination shall be the Examination for Professional Practice in Psychology (EPPP) developed by the Association of State and Provincial Psychology Boards (ASPPB) Examination for Professional Practice in Psychology.



## DEPARTMENT OF PROFESSIONAL REGULATION

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- b) The minimum passing grade on the examination shall be the passing score set by the testing entity ~~70% of the total number of questions.~~
- c) The Department will accept proof of completion of the EPPP taken in another jurisdiction with the passing score set by the testing entity. ~~with--examination--scores--of--at--least--70%--of--the--total--number--of--questions.~~ Such proof must be forwarded directly to the Department from the testing service.
- d) The Department will accept in lieu of passage of the examination specified in subsection (a) above, passage of the examination in clinical or counseling psychology of the American Board of Professional Psychology Inc.

(Source: Amendment 24 Ill. Reg. 11658, effective 2/4/00)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Information, Rulemaking, and Organization Code
- 2) Code Citation: 2 Ill. Adm. Code 1125
- 3) Section Numbers: Adopted Action:  
 1125.300 Amendment  
 1125.310 Amendment  
 1125.330 Amendment  
 1125.335 Repeal  
 1125.340 Amendment  
 APPENDIX B Amendment
- 4) Statutory Authority: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15], Section 2310-195 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-195], and Section 2 of the Department of Public Health Act [20 ILCS 2305/2].
- 5) Effective Date of Amendments: July 20, 2000
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No
- 7) Does this Rulemaking Contain Incorporations by Reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Date Notice of Proposed Rulemaking was Published in the Illinois Register: Not applicable to required rulemaking under Section 5-15 of the Illinois Administrative Procedure Act.
- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking: Not applicable to required rulemaking under Section 5-15 of the Illinois Administrative Procedure Act.
- 11) Difference Between Proposal and Final Version: Not applicable to required rulemaking under Section 5-15 of the Illinois Administrative Procedure Act.
- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreements issued by the Joint Committee? Not applicable to required rulemaking under Section 5-15 of the Illinois Administrative Procedure Act.
- 13) Will the Rulemaking Replace an Emergency Amendments Currently in Effect? No

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any other Amendments Pending on this Part? No
- 15) Summary and Purpose of Amendments: The amendatory rulemaking reflects changes to the organizational structure of the Department. Public Act 91-704, effective July 1, 2000, mandates that the Capital Development Board (instead of the Department) provide assistance to the Illinois Building Commission. Internal to the Department, the Center for Rural Health has moved from the Assistant Director's Office to the Office of Epidemiology and Health Systems Development. The Office of Health and Wellness has been renamed the Office of Health Promotion. Within the Office of Health Promotion, the Bureau of Medical Programs has been added and the Division of Health Promotion and Health Education has been renamed the Office of Health Education and Prevention.

- 16) Information and Questions Regarding these Adopted Amendments shall be directed to:

Paul D. Thompson, Staff Attorney  
Division of Legal Services  
535 West Jefferson, Fifth Floor  
Springfield Illinois 62761  
(217) 782-2043  
rules@idph.state.il.us.

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 2: GOVERNMENTAL ORGANIZATION

## SUBTITLE D: CODE DEPARTMENTS

## CHAPTER XVIII: DEPARTMENT OF PUBLIC HEALTH

## PART 1125

## PUBLIC INFORMATION, RULEMAKING, AND ORGANIZATION CODE

## SUBPART A: PUBLIC INFORMATION

Section  
1125.10 Text of Rules

## SUBPART B: RULEMAKING

Section  
1125.110 Authority - Applicability of Rules  
1125.120 Right to Petition  
1125.130 Form of Petitions  
1125.140 Submission of Petitions  
1125.150 Consideration and Disposition of Petitions  
1125.160 Responsibility  
1125.170 Schedule for Rulemaking  
1125.180 Public Comment-Hearings  
1125.190 Boards and Commissions  
1125.200 Administrative Rules of the Department

## SUBPART C: ORGANIZATION

Section  
1125.300 Organizational Overview  
1125.310 Office of Health Promotion **and-Wellness**  
1125.320 Office of Health Care Regulation  
1125.330 Office of Health Protection  
1125.335 Illinois Building Commission (Repealed)  
1125.340 Office of Epidemiology and Health Systems Development  
1125.350 Office of Finance and Administration  
1125.355 Office of Women's Health  
1125.360 Office Locations

APPENDIX A Petition Before the Illinois Department of Public Health  
Requesting the Promulgation, Amendment, or Repeal of a Rule  
APPENDIX B Current Organizational Chart  
APPENDIX C Regions of the Illinois Department of Public Health

AUTHORITY: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15], Section 2310-195 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of the Illinois [20 ILCS 2310/2310-195], and Section 2 of the Department

## DEPARTMENT OF PUBLIC HEALTH

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of Public Health Act [20 ILCS 2305/2].

SOURCE: Adopted at 2 Ill. Reg. 41, p. 71, effective October 14, 1978; codified at 8 Ill. Reg. 15934; amended at 10 Ill. Reg. 15232, effective September 8, 1986; amended at 13 Ill. Reg. 20065, effective December 7, 1989; amended at 24 Ill. Reg. 86, effective December 15, 1999; amended at 24 Ill. Reg. 2709, effective February 15, 2000; amended at 24 Ill. Reg. 4964, effective March 20, 2000; amended at 24 Ill. Reg. 11662, effective July 20, 2000.

## SUBPART C: ORGANIZATION

## Section 1125.300 Organizational Overview

- a) The Director serves as head of the Department of Public Health and is appointed to this office by the Governor of the State of Illinois, by and with the advice and consent of the Senate. The Office of the Director consists of the following components: Chief of Staff, Executive Assistant to the Director for Customer Service, Division of Legal Services, Division of Governmental Affairs, Division of Internal Audits, Division of Communications, Minority Health Services, and Office of the Equal Employment Opportunity Officer.
- b) The Assistant Director serves as an assistant to the head of the Department and is appointed to this office by the Governor of the State of Illinois, with the advice and consent of the Senate. The Assistant Director is responsible for the operations of the Center for Rural Health and of the Hearings Review Officers.
- c) The Chief of Staff, Executive Assistant to the Director for Customer Service, Division of Legal Services, Division of Governmental Affairs, Division of Internal Audits, Division of Communications, Minority Health Services, and the Equal Employment Opportunity Officer report directly to the Director.
- d) The State Board of Health functions as an advisory body to the Director. The Board performs those functions set forth in statute.
- e) The Assistant Director oversees the day-to-day operation of the Department, including the development, interpretation and implementation of policies, and evaluation of the effectiveness of the Department's operations. The Assistant Director also provides technical assistance and supervision of the Deputy Directors who manage the Offices of Epidemiology and Health Systems Development, Health Promotion and Wellness, Women's Health, Health Care Regulation, Health Protection, and Finance and Administration. The Assistant Director is also responsible for the operations of the Hearing Review Officers.
- f) The Department is organized into the following major offices: Office of the Director, Office of Epidemiology and Health Systems Development, Office of Health Promotion and Wellness, Office of Women's Health, Office of Health Care Regulation, Office of Health Protection, and Office of Finance and Administration. In addition,

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

the Department has Regional Offices, each administered by a Regional Health Officer. The co-central offices in Springfield and Chicago provide the managerial and support services necessary to enable the provision of well-planned and carefully monitored services. The centrally-located program coordinators provide statewide consistency to the programs.

- g) An organizational chart of the Department is contained in Appendix B.

(Source: Amended at 24 Ill. Reg. 11662, effective July 20, 2000)

## Section 1125.310 Office of Health Promotion and Wellness

- a) The Office of Health Promotion and Wellness delivers financial and technical assistance to individuals and providers in an effort to ensure that basic preventive health care is available statewide.
- b) The Office of Health and Wellness is composed of the following units divisions: Bureau of Medical Programs, Division of Health Promotion and Health Education and Prevention, Division of Chronic Disease Prevention and Control, Division of Oral Health, and Division of Health Assessment and Screening. Each of these units is responsible for administering a variety of key public health programs primarily directed toward prevention and high-risk reduction.
- c) The following preventive activities are administered by the units divisions in the Office of Health and Wellness:
  - 1) Reduction in infant mortality, morbidity and developmental disabilities.
  - 2) Regulating dispensers of hearing instruments. Coordination of a comprehensive range of services to prevent unintended/premature pregnancy, to prevent health risks associated with teen-parenting and to provide a variety of support services to adolescents and adolescent families.
  - 3) Nutrition education and food supplements for women, infant and children.
  - 4) Reduction of infant mortality and developmental disabilities through screening for genetic problems such as PKU and Hypothyroidism.
  - 5) Training for providers of prenatal, maternity and newborn care.
  - 6) Perinatal program including medical payment for certain eligibles and education and outreach efforts.
  - 7) Financial and technical assistance to local health agencies and to other public and private agencies.
  - 8) Improved control of hypertension.
  - 9) School health activity.
  - 10) Rape crisis and prevention activities.
  - 11) Vision and hearing screening.
  - 12) Dental Sealants for Children.
  - 13) Organ transplantation program Family planning programs.
  - 14) Control of chronic disease programs such as Alzheimer's Disease



## DEPARTMENT OF PUBLIC HEALTH

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~~and,---Renal---Dialysis, Hemophilia and---Experimental---Organ Transplantation.~~

- 15) Dental consultation and dental health education.
- 16) Monitoring fluoride levels of community water supplies.
- 17) ~~Surveillance-of-Health-Risk-Behaviors.~~
- 18) ~~Inspection-and-Maintenance-of-breath-analysis-equipment---used---in implementing---Illinois---law---addressing---the---problem---of---drunk driving.~~

- 19) ~~Complications-of-diabetes.~~
- 20) Training school health personnel.
- 1821) Detection of childhood lead poisoning.
- 1922) Sudden Infant Death Syndrome.
- 2023) Smoking Prevention and Cessation.
- 2124) Injury Prevention Services.
- 2225) Childhood Injury Control.
- 26) ~~Parents-Too-Soon.~~
- 2327) Cancer Prevention Control.
- 2428) Smokeless Tobacco.
- 25) ~~Licensing-of-breath-analysis-Equipment-Operations.~~
- 2530) Administration of Preventive Health and Health Services and Maternal and Child Health Block Grants.

d) The Office also administers other regulatory, preventive, and enforcement activities provided by the Department by law.

(Source: Amended at 24 Ill. Reg. 11062, effective July 20, 2000)

## Section 1125.330 Office of Health Protection

a) The Office of Health Protection is composed of the following components:

- 1) Division of Environmental Health.
- 2) Division of Laboratories.
- 3) Division of Food, Drugs and Dairies.
- 4) Division of Infectious Diseases.
- 5) Emergency Response.
- 6) Plumbing Program.
- 7) Local Health Protection Grant Program.
- 8) ~~Illinois-Building-Commission-(see-Section-1125.335-for-program activities-of-the-Illinois-Building-Commission).~~

b) The following activities are administered by the Division of Environmental Health:

- 1) Licensure of occupations involved in performing lead inspections, risk assessment, contracting, supervision, and abatement and mitigation in dwellings and child care facilities; approval of lead training course providers who offer training to individuals seeking licensure; and investigation of dwellings and child care facilities to identify and eliminate environmental lead hazards that are sources of lead poisoning.

## DEPARTMENT OF PUBLIC HEALTH

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- 2) Review and approval of building plans for manufactured housing; and inspection of manufactured housing units at the factory and at final locations.
- 3) Review and approval of manufactured home tie-down equipment; and inspection of tie-down installations.
- 4) Inspection and regulation of non-community public water supply systems.
- 5) Inspection, bacteriological and chemical analyses, and technical assistance to citizens regarding their private water supplies; licensure of water well drillers and water well pump installation contractors; permitting, inspection and sampling of new water wells to ensure proper construction; and provision of grants and training to local health departments to conduct the program.
- 6) Licensure of private sewage disposal system installation and pumping contractors; review of plans for the installation of systems; inspection of systems, trucks used to pump septic tanks and sites for final disposal; and consultation and training for local health departments conducting the program.
- 7) Review of plans and specifications for public swimming pools and bathing beaches, issuance of construction permits, and inspection of public swimming pools and bathing beaches for annual licensure; and laboratory testing of pool and beach water.
- 8) Approval of plans and issuance of permits for construction or alteration of manufactured home communities; annual inspection for proper water supply, sewage disposal, electrical systems and other health and safety requirements; and licensure of manufactured home communities.
- 9) Inspection and licensure of migrant labor camps to ensure proper sanitation, adequate and safe water supply, and proper sewage disposal.
- 10) Inspection and licensure of recreational areas and youth camps for compliance of water supply, sewage disposal and electrical systems, and food handling procedures and facilities; and plans and specifications for new recreation areas and youth camps are reviewed and permits to construct are issued.
- 11) Surveying and responding to inquiries regarding chemical exposures and possible health effects to humans; investigation of health risks to populations residing around hazardous waste sites; and investigation of health-related complaints involving indoor air pollution.
- 12) Investigation of injuries associated with consumer products and of suspected product defects.
- 13) Licensure of structural pest control technicians and businesses; inspection of the use of pesticides in and about structures; and investigation of incidents of misuse of pesticides.
- 14) Collection of blood samples from wild birds to determine the presence of antibodies to St. Louis encephalitis and eastern equine encephalitis, which collection allows advance warning of

## DEPARTMENT OF PUBLIC HEALTH

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an encephalitis outbreak; and public information and mosquito control measures are then implemented to reduce the severity of an outbreak.

- 15) Licensing of occupations involved in performing asbestos abatement in schools and commercial and other public buildings; inspection of asbestos projects; review of asbestos management plans for schools; approval of asbestos training providers; and inspection of schools to determine compliance with State and federal laws.

- 16) Ensuring that adequate toilets, handwashing facilities and drinking water are provided by farm operators who employ ten or more workers for more than two hours a day.

- 17) Reduction of injury or illness to school children caused by exposure to art and craft materials that contain toxic substances, through review of these products and assurance of proper labeling.

- 18) Short term studies of the health status of populations living around hazardous waste sites and recommendation of medical follow-up, as appropriate.

- c) The following activities are conducted by the Division of Laboratories:

- 1) Laboratory testing for bacteria, viruses, parasites and environmental toxins that threaten the health of individuals.

- 2) Blood testing of every newborn infant for evidence of phenylketonuria, hypothyroidism, galactosemia, biotinidase deficiency, congenital adrenal hyperplasia and sickle cell disease/trait, and other hemoglobinopathies.

- 3) Laboratory examination of swimming pool water as needed for public health protection.

- 4) Certification of private environmental laboratories that conduct microbiological water testing.

- d) The following activities are administered by the Division of Food, Drugs and Dairies:

- 1) Inspection of food processors, manufacturers, and warehouses to ensure food is wholesome, unadulterated, and properly labeled.

- 2) Issuance of food advisories and recalls and issuance of Certificates of Free Sale for Illinois firms who wish to export their products to foreign countries.

- 3) Inspection of drug, cosmetic and medical device manufacturers to ensure products are wholesome, unadulterated and properly labeled.

- 4) Compilation and maintenance of a formulary for use by physicians and dispensers of prescription drugs which formulary defines generic drugs that are therapeutically equivalent to brand name drugs.

- 5) Conducting sanitary rating surveys to qualify Illinois produced and processed milk and dairy products for shipment in interstate commerce.

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- 6) Inspection of Grade A fluid milk and manufactured milk plants, producer dairies, bulk milk tank operators, receiving and transfer stations, milk vendors and distributors, to ensure compliance with rules and regulations.

- 7) Certification of food service management personnel.

- 8) Training and certification of local and State food sanitation supervisory personnel in food establishment sanitation techniques; and review and evaluation of local food sanitation programs.

- 9) Inspection of retail food establishments to ensure compliance with sanitary standards.

- 10) Daily sanitation surveillance over the operation of food concessions and daily operations at the annual Illinois State Fair and DuQuoin State Fair.

- 11) Consultation and education in food service management to promote adequate sanitation.

- 12) Sampling of dairy farm and dairy plant raw and finished products and water supplies to ensure bacteriological safety.

- 13) Issuance of permits to tanning facility operators and grants to local health departments to conduct annual inspections of such facilities for sanitation, operator training, equipment maintenance, physical standards, and proper recordkeeping.

- 14) Providing grants to local health departments to assure the safe food preparation and service to underprivileged children at a special feeding program during the summer.

- e) The following activities are administered by the Division of Infectious Diseases:

- 1) Technical guidance to local health departments on the investigation and control of infectious diseases.

- 2) Statewide direction in tuberculosis control by providing consultation, educational programs and limited direct assistance to local authorities.

- 3) Comprehensive sexually transmitted disease prevention and containment including the coordination of similar efforts by local health departments through surveillance, patient and partner referral counseling and testing and treatment, education, and technical consultation and assistance.

- 4) Comprehensive vaccine-preventable-disease-control surveillance; outbreak control; technical and general consultation to all health care providers and school administrators; education and motivation; assessment of immunization levels in specified populations; and provision of vaccines for use in public clinics.

- 5) Statewide communicable disease control including the coordination of similar efforts by local health departments and other health care providers to promote reporting, investigation and control of the communicable diseases required by regulation to be reported; collection and evaluation of data to determine appropriate action



## DEPARTMENT OF PUBLIC HEALTH

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needed to control reportable communicable diseases; and investigation of cases and outbreaks of infectious diseases in areas without local health departments.

- 6) Funding, consultation, training and planning for the provision of medical and social support services to persons living with HIV; provision of HIV-related therapeutic drugs for low income persons living with HIV; funding, training and consultation to local health departments for HIV/AIDS counseling, testing, referral and partner notification services; provision of HIV health education and risk reduction information services; and monitoring of the HIV/AIDS epidemic through case reporting requirements.

- 7) Conducting epidemiological investigations of communicable disease outbreaks involving food borne illness, natural disasters, transportation emergencies, fires and other unique health related emergencies.

- f) Emergency Response. The Department's response and recovery activities for statewide public health emergencies are coordinated in the Office of Health Protection. Activities include development of emergency operating procedures for natural and technological disaster response and recovery activities, and representation of the Department in the State Emergency Operations Center during statewide emergency operations.

- g) The following activities are administered by the Plumbing Program:

- 1) Examination and licensure of all Illinois plumbers and inspection of the work of licensed plumbers.
  - 2) Identification and initiation of enforcement action against individuals conducting plumbing procedures without a license.
- h) Local Health Protection Grant Program. This program provides funding to local health departments that agree to assure the provision of health protection programs, including food protection, potable water supply, private sewage disposal, and communicable disease control, in their jurisdictions. Participating local health departments are reviewed by the Department for compliance with grant requirements.
- i) The Office also administers other regulatory, preventive, and enforcement activities provided by the Department by law.

(Source: Amended at 24 Ill. Reg. 11662, effective July 20, 2000)

## Section 1125.335 Illinois Building Commission (Repealed)

- a) When used in this Part:

"Act" means the Illinois Building Commission Act (20-ILCS-3918).

"Commission" means the Illinois Building Commission (Section 5 of the Act).

"State agency" has the same meaning as in Section 1-7 of the

## DEPARTMENT OF PUBLIC HEALTH

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Illinois State Auditing Act (30-ILCS-5/1-2) (Section 5 of the Act).

"State building requirements" means any law, rule, or executive order implemented by the State of Illinois affecting the construction of buildings in Illinois (Section 5 of the Act).

- b) An advisory commission, to be known as the Illinois Building Commission, is created. The Commission shall consist of 11 members, including: a fire official, a building official, an architect, a professional engineer, a structural engineer, a commercial contractor representative, a residential construction industry representative, a mechanical and specialty contractor representative, a labor representative, a disability advocate, and a member of the public. The Commission shall be appointed by the Governor, with the advice and consent of the Senate (Section 10 of the Act).

- c) The fire official, architect, structural engineer, commercial contractor representative, labor representative, and member of the public shall serve initial terms of 2 years. The building official, professional engineer, residential construction industry representative, mechanical and specialty contractor representative, and disability advocate shall serve initial terms of 3 years. Each subsequent term shall be for 3 years. Members may be appointed for more than one term. A chairman of the Commission shall be elected each year by the members of the Commission. Commission members shall be reimbursed for travel expenses and shall receive a per diem for each day that the Commission or a subcommittee on which the member serves meets. Reimbursement shall be consistent with the rules of the Governor's Travel Control Board (Section 15 of the Act).

- d) The Commission shall create and appoint members and non-members to the following subcommittees: the planning subcommittee, the building and fire protection subcommittee, the building envelope subcommittee, the structural systems subcommittee, the building services subcommittee, and the accessibility subcommittee. There shall be at least 5 members but not more than 9 members on each subcommittee. The subcommittees shall advise the Commission on any item before the Commission that deals with the area of expertise of the subcommittee. The Commission may create any other subcommittee that it deems necessary (Section 20 of the Act).

- e) The Commission shall provide an ongoing forum for continuing dialogue regarding the purpose and duties of the Commission. The Commission shall also serve as a forum to suggest resolution of conflicts between State agencies, or between a State agency and another entity that consents to the resolution of the forum, concerning State building requirements (Section 25 of the Act).

- f) The Commission shall review proposed State building requirements, amendments and proposed legislation for conflicting requirements to current State law or current building requirements and make



## DEPARTMENT OF PUBLIC HEALTH

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recommendations concerning these amendments or laws to the proper authority. The Commission shall:

- 1) suggest a standard form for requesting compliance alternatives and modifications of State building requirements;
- 2) forward compliance alternatives requests to the appropriate State agency for action; and
- 3) suggest procedures and formats for appeals of State agency decisions (Section 30 of the Act).

9) The Commission shall also suggest a long-term plan to improve administration and enforcement of State building requirements statewide. The plan shall include:

- 1) recommendations for ways the Department of Commerce and Community Affairs could create a consolidated clearinghouse on all information concerning existing State building requirements;
- 2) recommendations for a consistent format for State building requirements;
- 3) recommendations for a system or procedure for updating existing State building requirements that shall include a procedure for input from the public;
- 4) recommendations for a system or procedure for the review, approval, and appeal of building plans; and
- 5) recommendations for a system or procedure to enforce the State building requirements.

10) The Commission shall submit its suggestions for creating the consolidated clearinghouse to the Department of Commerce and Community Affairs as soon as practical after the effective date (January 1, 1990) of the Act (Section 35 of the Act);

h) The Commission shall submit an annual report to the Governor and the General Assembly regarding:

- 1) the approval of compliance alternative requests;
- 2) the responsibilities of the Commission;
- 3) any progress toward coordination of the State's building requirements; and
- 4) recommendations for legislative action by the General Assembly.

The annual report shall be made available to the public. The Commission may charge a reasonable fee for reproduction of the report (Section 40 of the Act);

i) The Department of Public Health shall assist the Commission in carrying out its functions and responsibilities by providing administrative and staff support. The Commission shall advise the Department of its budgetary and staff needs (Section 45 of the Act);

j) The Executive Director establishes, as directed by the Commission, the duties and organization of the Commission staff. The Commission staff functions as a single unit under the direction of the Commission. A description of the specific responsibilities and duties of each of the personnel positions of the Commission staff is maintained in the Office of the Illinois Building Commission and is available for public inspection during normal business hours at the address in subsection

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(m):

k) The Commission sets the agenda of its meetings and hearings by fiscal year, and the agenda is available for public inspection at the Commission's office during normal business hours. Commission hearings are open to the public. The Commission will publish its notices, proposals, and certifications of actions according to the Open Meetings Act. The Commission will accept and consider, if time permits, written comments by members of the public before Commission hearings. The Commission encourages members of the public to petition a State agency directly in conjunction with submitting comments to the Commission for consideration of perceived problems with existing State building requirements. The Commission may, however, consider comments or petitions consider comments or petitions that have not already been submitted to a State agency.

l) Interested persons or groups may submit complaints of State building requirements to Commission members or the Executive Director to the address in subsection (m). Each complaint must include:

- 1) Names and addresses of the persons or groups presenting the complaint;
- 2) Specific problems or issues with State building requirements;
- 3) Specific reasons for Commission action;
- 4) Necessary facts and documentation to explain and support the complaint.

m) Persons are invited to request information about the operation of the Commission or to provide comments about State building requirements to:

Executive Director for Commission Members  
Illinois Building Commission  
222 South College  
Springfield, Illinois 62704.

(Source: Repealed at 24 Ill. Reg. 11002, effective July 20, 2000)

Section 1125.340 Office of Epidemiology and Health Systems Development

a) The Office of Epidemiology and Health Systems Development consists of the following components:

Divisions: the Division of Epidemiology Studies, Division of Facilities Development, Center for Health Statistics, Center for Rural Health, and Division of Health Policy.

b) The Office of Epidemiology and Health Systems Development coordinates the Illinois Department of Public Health's activities to assess the health needs, disease occurrence, and health status of Illinois residents. The Office develops and promotes the use of sound and systematic knowledge bases in health program management, evaluation, and policy development. The Office provides leadership within the Department in translating public health data into useful information.

c) The Office leads Department policy development and strategic planning

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functions with other state agencies and organizations from the private and volunteer sectors to define and address health problems. The Office provides technical assistance to the Governor, General Assembly, other Department offices, local health departments, health care providers, and the general public. To improve health status, improve public health systems, and reduce costs, the Office conducts or coordinates data collection and interpretation, policy and financial analysis, community health planning, health care facilities planning, and certificate of need review. The Office also conducts epidemiologic studies to determine the patterns of illness and disease.

d) The Office produces the State's annual vital statistics report and publishes reports concerning special populations. As Illinois' agent for the Federal-State Cooperative for Populations Estimates, the Office produces population estimates that are used in defining health indicators and determining need for services and appropriate distribution of resources. To determine the pattern and characteristics of health behaviors, the Office conducts household surveys and provides technical assistance in interpreting data for planners and local health departments through the Behavioral Risk Factor Surveillance Survey.

e) The Office developed and maintains the Illinois Health and Hazardous Substance Registry for making decisions on health and public health related to cancer incidence, adverse pregnancy outcomes, occupational diseases, and hazardous substances.

f) The Office supports the Illinois Health Facilities Planning Board in administering the Illinois certificate of need program to reduce unnecessary health care services and costs, in enforcing the Health Care Worker Self-Referral Act [225 ILCS 47] to provide assistance, and in conducting planning activities related to health care facilities. For the certificate of need program, staff personnel review applications for construction of health care facilities, acquisition of major medical equipment, substantial changes in bed capacity, initiation of new services, and elimination of existing services. The Office then makes recommendations to the Health Facilities Planning Board for approval or denial of the certificate of need.

g) The following are mandated responsibilities contained in State statutes:

- 1) The Illinois Health Facilities Planning Act [20 ILCS 3960] that created the Illinois Health Facilities Planning Board and describes its functions, including certificate of need/permit reviews and facilities planning.
- 2) The Illinois Health Statistics Act [410 ILCS 520] modeled on a widely accepted state-level approach that provides for the collection of health data by the Department and provides for confidentiality of this data.
- 3) The Life Care Facilities Act [210 ILCS 40] sets forth the requirements for life care contracts that the Department must

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approve and monitor.

4) The Illinois Welfare and Rehabilitation Services Planning Act [20 ILCS 10] provides that Civil Administrative Code of Illinois agencies, including the Department of Public Health, develop a Human Services Plan to be presented to the General Assembly on April 1 of every odd numbered year.

5) ~~the Experimental-Organ-transplantation-Procedures-Act--[20--ILCS 395]-created-the-Illinois-Experimental-Organ-transplantation Board-for-the-purpose-of-reviewing-applications-and-making recommendations-to-the-Department-to-provide-financial-assistance to-qualified-applicants-seeking-an-experimental-organ-transplant-~~ ~~the-Civil-Administrative-Code-of-Illinois-[20-ILCS-2310/55-72]-established-the-Task-Force-on-Organ-transplantation-within-the Department-to-conduct-a-comprehensive-examination-of-the-medical-legal-economic-and-social-issues-presented-by-human-organ procurement-and-transplantation-and-to-make-recommendations-to the-Governor-and-General-Assembly-~~

7) The Illinois Health and Hazardous Substances Registry Act [410 ILCS 525] establishes a unified statewide project to collect, compile and correlate information on public health and hazardous substances.

8) The Civil Administrative Code of Illinois [20 ILCS 2310/55.31b] allows for the general supervision of the interests of the health and lives of the people of the State to require hospitals, laboratories, or other facilities in the State to report each incidence of cancer diagnosed by the hospitals, laboratories, or facilities, along with any other information the Department may require to develop a Health and Hazardous Substances Registry under the Illinois Health and Hazardous Substances Registry Act.

79) The Lead Poisoning Prevention Act [410 ILCS 45] requires immediate reporting of the existence of any person found or suspected to have a level of lead in the blood in excess of the permissible limits set forth in regulations adopted by the Department. The names, addresses, laboratory results, date of birth, and other information about the person are maintained in the Adult Blood Lead Registry.

81) The Developmental Disability Prevention Act [410 ILCS 250] declares that the policy of the State for the prevention of perinatal mortality and conditions leading to developmental disabilities and other handicapping disabilities is a high priority for attention. The Adverse Pregnancy Outcome Reporting System maintains information regarding perinatal mortality and risk conditions.

91) The Vital Records Act [410 ILCS 535] charges the Department with the responsibility of collecting and preserving records of births and deaths of Illinois residents and of preparing and publishing reports of vital statistics from these records.

101) The Alternative Health Care Delivery Act [210 ILCS 3]

## DEPARTMENT OF PUBLIC HEALTH

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establishes procedures for investigating alternative methods of delivering health care services to the community.

11±3) The Health Care Worker Self-Referral Act [225 ILCS 47] gives the Illinois Health Facilities Planning Board the authority to determine if certain investments by one or more health care workers constitutes a conflict of interest.

12±4) The Civil Administrative Code of Illinois [20 ILCS 2310/55.26] authorizes the Department to conduct statewide inventories for existing hospitals, health service facilities, and other facilities.

13±5) The Counties Code [55 ILCS 5/Art. 5, Div. 25] establishes the Illinois Project for Local Assessment of Need (IPLAN) compliance requirements for the local health departments.

h) The Office also administers other regulatory, preventive, and enforcement activities provided by the Department by law.

(Source: Amended at 24 Ill. Reg. 11 0 6 2, effective July 20, 2000)

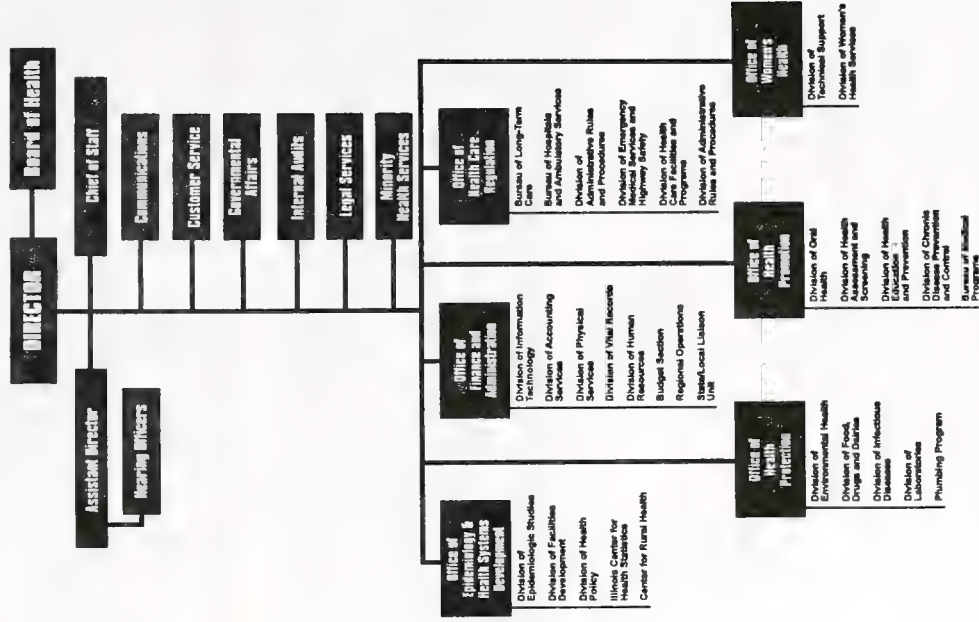
ILLINOIS REGISTER  
DEPARTMENT OF PUBLIC HEALTH

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## NOTICE OF ADOPTED AMENDMENTS

## 1125.APPENDIX B Current Organizational Chart

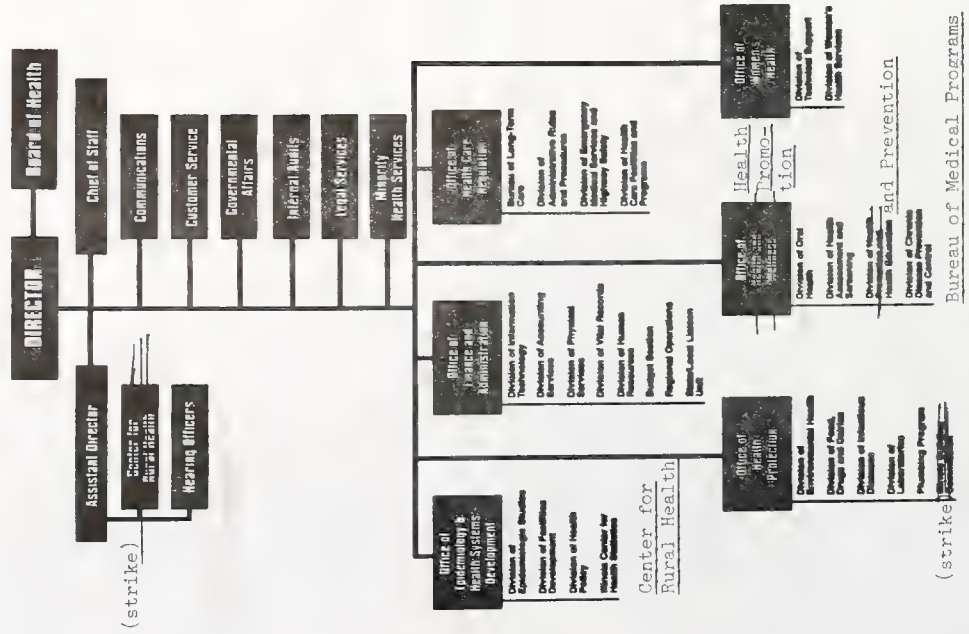




ILLINOIS REGISTER  
ILLINOIS DEPARTMENT OF VETERANS' AFFAIRS  
NOTICE OF WITHDRAWAL OF PROPOSED REPEALER

- | 1)                     | <u>Heading of the Part: Rules Governing the Board of Appeals</u>                                                                                                                                                                                                                                                                                                          |                                           |                        |        |          |        |          |        |          |        |          |        |          |  |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|------------------------|--------|----------|--------|----------|--------|----------|--------|----------|--------|----------|--|
| 2)                     | <u>Code Citation: 95 Ill. Adm. Code 113</u>                                                                                                                                                                                                                                                                                                                               |                                           |                        |        |          |        |          |        |          |        |          |        |          |  |
| 3)                     | <table border="1"> <thead> <tr> <th><u>Section Numbers</u></th> <th><u>Proposed Action</u></th> </tr> </thead> <tbody> <tr> <td>113.10</td> <td>Repealed</td> </tr> <tr> <td>113.20</td> <td>Repealed</td> </tr> <tr> <td>113.30</td> <td>Repealed</td> </tr> <tr> <td>113.40</td> <td>Repealed</td> </tr> <tr> <td>113.50</td> <td>Repealed</td> </tr> </tbody> </table> | <u>Section Numbers</u>                    | <u>Proposed Action</u> | 113.10 | Repealed | 113.20 | Repealed | 113.30 | Repealed | 113.40 | Repealed | 113.50 | Repealed |  |
| <u>Section Numbers</u> | <u>Proposed Action</u>                                                                                                                                                                                                                                                                                                                                                    |                                           |                        |        |          |        |          |        |          |        |          |        |          |  |
| 113.10                 | Repealed                                                                                                                                                                                                                                                                                                                                                                  |                                           |                        |        |          |        |          |        |          |        |          |        |          |  |
| 113.20                 | Repealed                                                                                                                                                                                                                                                                                                                                                                  |                                           |                        |        |          |        |          |        |          |        |          |        |          |  |
| 113.30                 | Repealed                                                                                                                                                                                                                                                                                                                                                                  |                                           |                        |        |          |        |          |        |          |        |          |        |          |  |
| 113.40                 | Repealed                                                                                                                                                                                                                                                                                                                                                                  |                                           |                        |        |          |        |          |        |          |        |          |        |          |  |
| 113.50                 | Repealed                                                                                                                                                                                                                                                                                                                                                                  |                                           |                        |        |          |        |          |        |          |        |          |        |          |  |
| 4)                     | <u>Date of Notice of the Proposed Repealer published in the Illinois Register:</u>                                                                                                                                                                                                                                                                                        | <u>07/14/2000 24 Ill. Adm. Code 10144</u> |                        |        |          |        |          |        |          |        |          |        |          |  |
| 5)                     | Reason for the withdrawal Notice of Withdrawal of Proposed Repealer The repeal was filed in error. DVA does not plan to repeal these rules.                                                                                                                                                                                                                               |                                           |                        |        |          |        |          |        |          |        |          |        |          |  |

## NOTICE OF ADOPTED AMENDMENTS



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION  
TO ADOPTED RULEMAKING

## POLLUTION CONTROL BOARD

Heading of the Part: Standards for Universal Waste ManagementCode Citation: 35 Ill Adm Code 733

<u>Section Numbers:</u>	733.101	733.102
	733.103	733.104
	733.105	733.106
	733.107	733.108
	733.109	733.110
	733.113	733.114
	733.130	733.132
	733.133	733.134
	733.150	733.160
	733.181	

Date Originally Published in the Illinois Register: 3/24/00  
24 Ill Reg 4766

At its meeting on July 18, 2000, the Joint Committee on Administrative Rules objected to the Pollution Control Board continuing to use the identical in substance process to adopt its rulemaking entitled Standards for Universal Waste Management (35 Ill Adm Code 733; 24 Ill Reg 4766) because the adopted rule is not identical in substance to USEPA regulations, as required by Section 7.2 of the Environmental Protection Act.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute a refusal to amend or repeal the rule through further rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION  
TO PROPOSED RULEMAKING

## DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Children's Product SafetyCode Citation: 89 Ill Adm Code 386

<u>Section Numbers:</u>	386.10	386.20
	386.30	386.40

Date Originally Published in the Illinois Register: 3/31/00  
24 Ill Reg 5036

At its meeting on July 18, 2000, the Joint Committee on Administrative Rules considered the above cited rulemaking of the Department of Children and Family Services. In conjunction with that review, the Committee recommends that the Illinois Department of Public Health also propose rules governing the creation, maintenance and update of the unsafe children's product list required by the Unsafe Children's Product Act [430 ILCS 125].

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

## DEPARTMENT OF AGRICULTURE

## JULY 2000 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Land Application Authorization Program; 8 Ill. Adm. Code 258

1) Rulemaking:

- A) Description: As a result of the development of rules at 8 Ill. Adm. Code 259, Agrichemical Facility Response Action Program, remediation suitability determination levels for several pesticides listed in Part 258 need to be changed. The changes will provide consistency between these two related rules.

- B) Statutory Authority: Illinois Pesticide Act [415 ILCS 60/19]

- C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. A public hearing will be held near the end of the public comment period.

- D) Date Agency anticipates First Notice: October 2000

- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will have no effect on municipalities or not-for-profit corporations. The consistency of rules provided by this rulemaking will benefit small businesses such as agrichemical facilities.

- F) Agency contact person for information:

Warren Goetsch  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield IL 62794-9281  
217/785-4233  
Fax: 217/524-4882

- G) Related rulemakings and other pertinent information: The rules for the Agrichemical Facility Response Action Program, 8 Ill. Adm. Code 259, are related to this rulemaking. Part 259 is anticipated to go to first notice in August 2000.

- b) Part(s) (Heading and Code Citation): Agrichemical Facility Response Action Program; 8 Ill. Adm. Code 259

1) Rulemaking:

- A) Description: Retail agrichemical facilities conducting remediation activities of soil or groundwater contamination from

## DEPARTMENT OF AGRICULTURE

## JULY 2000 REGULATORY AGENDA

pesticide releases may opt to request a written approval from the Department of Agriculture for the voluntary site assessment and corrective action. The owner or operator of the facility can apply for Department review and approval for plans and reports detailing the scope and implementation of the environmental response actions. Upon successful completion of the pesticide release cleanup and remediation, the Department shall issue a notice of closure indicating that site specific cleanup objectives have been met and no further remedial action is required to remedy the pesticide release pursuant to the Illinois Pesticide Act [415 ILCS 60/19.3].

- B) Statutory Authority: Illinois Pesticide Act [415 ILCS 60/19]

- C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. A public hearing will be held near the end of the public comment period.

- D) Date Agency anticipates First Notice: September 2000

- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will have no effect on municipalities or not-for-profit corporations. Small businesses, such as some types of agrichemical facilities, will benefit from the remediation option allowed by these rules.

- F) Agency contact person for information:

Warren Goetsch  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield IL 62794-9281  
217/785-4233  
Fax: 217/524-4882

- G) Related rulemakings and other pertinent information: The rules for the Land Application Authorization Program, 8 Ill. Adm. Code 258, are related to this rulemaking.

- c) Part(s) (Heading and Code Citation): The Illinois Rivers-Friendly Farmer Program Act (Title and Part later)

1) Rulemaking:

- A) Description: The Illinois Rivers-Friendly Farmer Program Act authorizes farmers to submit a written application to the Illinois



## DEPARTMENT OF AGRICULTURE

## JULY 2000 REGULATORY AGENDA

Department of Agriculture to gain the Illinois Rivers-Friendly Farmer designation. The designation demonstrates that farmers are using environmentally sound farming practices which benefit Illinois' rivers. This is the first rulemaking since the passage of the legislation.

B) Statutory Authority: Illinois Rivers-Friendly Farmer Program Act-HB 2605

C) Schedule meeting/hearing date: No dates scheduled

D) Date Agency anticipates First Notice: October 2000

E) Effect on small businesses, small municipalities or not for profit corporations: No impacts expected

F) Agency contact person for information:

Steve Chard  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield IL 62794-9281  
217/782-6297  
Fax: 217/557-0993

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Farmland Preservation Act; 8 Ill. Adm. Code 700

1) Rulemaking:

A) Description: The Farmland Preservation Act requires that state agency policy statements and working agreements on farmland preservation shall be updated by the state agency and reviewed and approved by the Department of Agriculture every three years. The purpose of the rulemaking activity is to update the policy statements and working agreements, as necessary, to protect Illinois' agricultural land base from needless state agency farmland conversion impacts.

B) Statutory Authority: Farmland Preservation Act [505 ILCS 75/1-8]

C) Schedule meeting/hearing date: No dates scheduled

D) Date Agency anticipates First Notice: October 2000

## DEPARTMENT OF AGRICULTURE

## JULY 2000 REGULATORY AGENDA

E) Effect on small businesses, small municipalities or not for profit corporations: No impacts anticipated

F) Agency contact person for information:

James R. Hartwig  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield IL 62794-9281  
217/782-6297  
Fax: 217/557-0993

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Swine Disease Control and Eradication Act; 8 Ill. Adm. Code 105

1) Rulemaking:

A) Description: The Department will make permanent the emergency rule that went into effect June 15, 2000 that requires additional testing of swine entering Illinois from pseudorabies Stage I or II states. Requirements for exhibition swine in Illinois are being established. A new section is being added to establish a Voluntary Porcine Reproductive and Respiratory Disease (PRRS) Monitored Program. This program was not part of the emergency rulemaking.

B) Statutory Authority: Illinois Swine Disease Control and Eradication Act [510 ILCS 100/1/1]; Illinois Pseudorabies Control Act [510 ILCS 90/1]; and Illinois Swine Brucellosis Eradication Act [510 ILCS 95/1]

C) Schedule meeting/hearing date: Thursday, September 14, 2000 at 10:00 a.m., Illinois Department of Agriculture, 8th and Sangamon Avenue, State Fairgrounds, Springfield IL 62702

D) Date Agency anticipates First Notice: July 2000

E) Effect on small businesses, small municipalities or not for profit corporations: Persons importing feeder swine from Stage I or II states will be required to retest a percentage of the swine 21-60 days post importation. Producers participating in the Voluntary PRRS Monitoring Program will be required to submit an annual herd agreement form.

F) Agency contact person for information:

## DEPARTMENT OF AGRICULTURE

## JULY 2000 REGULATORY AGENDA

Dr. Richard Hull  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield IL 62794-9281  
217/782-4944  
Fax: 217/524-7702

- G) Related rulemakings and other pertinent information: Finalizing emergency rulemaking that became effective June 15, 2000

- f) Part(s) (Heading and Code Citation): Illinois Pseudorabies Control Act; 8 Ill. Adm. Code 115

1) Rulemaking:

- A) Description: Additional testing is being required on animals entering Illinois from Pseudorabies Stage I or II states. The 2000 edition of the Code of Federal Regulations is being adopted. Slaughter animals from pseudorabies quarantined herds are required to move directly to a slaughter facility and are no longer permitted to move through a slaughter-only market.

- B) Statutory Authority: Illinois Pseudorabies Control Act [510 ILCS 90/1]

- C) Schedule meeting/hearing date: Thursday, September 14, 2000 at 10:00 a.m., Illinois Department of Agriculture, 8th and Sangamon Avenue, State Fairgrounds, Springfield IL 62702

- D) Date Agency anticipates First Notice: July 2000

- E) Effect on small businesses, small municipalities or not for profit corporations: Additional testing of swine originating in Stage I or II states may be required for the animals to meet entry requirements.

- F) Agency contact person for information:

Dr. Richard Hull  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield IL 62794-9281  
217/782-4944  
Fax: 217/524-7702

- G) Related rulemakings and other pertinent information: Finalizing emergency rulemaking that became effective June 15, 2000

## DEPARTMENT OF AGRICULTURE

## JULY 2000 REGULATORY AGENDA

- g) Part(s) (Heading and Code Citation): Illinois Bovidae and Cervidae Tuberculosis Eradication Act; 8 Ill. Adm. Code 80

1) Rulemaking:

- A) Description: The January 22, 1999 edition of the Bovine Tuberculosis Eradication Methods and Rules is being adopted. Additional testing requirements for cattle, bison, cervids and goats entering Illinois from non-accredited free states are being added.

- B) Statutory Authority: Illinois Bovidae and Cervidae Tuberculosis Eradication Act [510 ILCS 35/1]

- C) Schedule meeting/hearing date: Thursday, September 14, 2000 at 10:00 a.m., Illinois Department of Agriculture, 8th and Sangamon Avenue, State Fairgrounds, Springfield IL 62702

- D) Date Agency anticipates First Notice: July 2000

- E) Effect on small businesses, small municipalities or not for profit corporations: Additional testing of animals originating in non-accredited free states will be required for the animals to meet entry requirements.

- F) Agency contact person for information:

Dr. Richard D. Hull  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield IL 62794-9281  
217/782-4944  
Fax: 217/524-7702

- G) Related rulemakings and other pertinent information: Finalizing emergency rulemaking that became effective June 15, 2000

- h) Part(s) (Heading and Code Citation): Diseased Animals; 8 Ill. Adm. Code 85

1) Rulemaking:

- A) Description: Goats entering Illinois will be required to be accompanied by a health certificate. Goats exhibiting lesions of contagious ecthyma or club lamb fungus will not be permitted to be exhibited in Illinois. Veterinarians will be able to use the cow-side test for John's disease if they obtain approval from the Department. Approval will be granted when the veterinarian

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receives training on the test from the Department. A Voluntary Paratuberculosis (Johne's disease) Risk Management Program will be offered to herd owners that have herds under restriction due to a positive culture test for Johne's disease. The program is designed to help the herd owner manage the disease in his or her herd.

B) Statutory Authority: Illinois Diseased Animals Act [510 ILCS 50/1]; Section 6 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6]; Livestock Auction Market Law [225 ILCS 640/1]; and Equine Infectious Anemia Control Act [510 ILCS 65]

C) Schedule meeting/hearing date: Thursday, September 14, 2000 at 10:00 a.m., Illinois Department of Agriculture, 8th and Sangamon Avenue, State Fairgrounds, Springfield IL 62702

D) Date Agency anticipates First Notice: July 2000

E) Effect on small businesses, small municipalities or not for profit Corporations: Veterinarians using the cow-side test will be required to report results to the Department within 10 days. They will also be required to obtain training from the Department in order to be approved to conduct the test. Herds enrolling in the Voluntary Paratuberculosis Risk Management Program will be required to sign an annual herd plan agreement.

F) Agency contact person for information:

Dr. Richard D. Hull  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield IL 62794-9281  
217/782-4944  
Fax: 217/524-7702

G) Related rulemakings and other pertinent information: Finalizing emergency rulemaking that became effective June 15, 2000

i) Part(s) (Heading and Code Citation): Animal Disease Laboratories Act; 8 Ill. Adm. Code 110

1) Rulemaking:

A) Description: The Galesburg Laboratory has added PCR testing for clostridium perfringens and for PRRS. Fees are being established for these new testing procedures.

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B) Statutory Authority: Animal Disease Laboratories Act [510 ILCS 10/1]

C) Schedule meeting/hearing date: Thursday, September 14, 2000 at 10:00 a.m., Illinois Department of Agriculture, 8th and Sangamon Avenue, State Fairgrounds, Springfield IL 62702

D) Date Agency anticipates First Notice: July 2000

E) Effect on small businesses, small municipalities or not for profit corporations: This test will provide veterinarians and herd owners with another voluntary means for diagnosing problems in herds or flocks. It is anticipated that the laboratory will run 100 PCR clostridium perfringens tests and 300 PCR PRRS tests a year.

F) Agency contact person for information:

Dr. Richard D. Hull  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield IL 62794-9281  
217/782-4944  
Fax: 217/524-7702

G) Related rulemakings and other pertinent information: None

j) Part(s) (Heading and Code Citation): Dead Animal Disposal Act; 8 Ill. Adm. Code 90

1) Rulemaking:

A) Description: Section 90.110 will be amended to add a requirement that all persons operating composting facilities for the disposal of dead animals must record the location of the compost with the Department and make the compost available for inspection.

B) Statutory Authority: Illinois Dead Animal Disposal Act [275 ILCS 610]

C) Schedule meeting/hearing date: Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in September 2000, and a public hearing on the proposed rulemaking will run concurrently with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.



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- D) Date Agency anticipates First Notice: October 2000
- E) Effect on small businesses, small municipalities or not for profit corporations: Persons operating a composter for the disposal of dead animals would be required to record the location of the composter with the Department and make the facility available for inspection.

F) Agency contact person for information:

Dr. David Bromwell  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield IL 62794-9281  
217/782-6657  
Fax: 217/524-7702

G) Related rulemakings and other pertinent information: None

- k) Part(s) (Heading and Code Citation): Animal Welfare Act; 8 Ill. Adm. Code 25

1) Rulemaking:

A) Description: Regulations will be developed governing boarding facilities known as "day care" centers for animals.

B) Statutory Authority: Animal Welfare Act [225 ILCS 605] and the Illinois Diseased Animals Act [510 ILCS 50]

C) Schedule meeting/hearing date: Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in September 2000, and a public hearing on the proposed rulemaking will run concurrently with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: October 2000

E) Effect on small businesses, small municipalities or not for profit corporations: Persons operating boarding facilities known as "day care" facilities for animals will be required to meet certain requirements to operate these types of facilities.

F) Agency contact person for information:

DEPARTMENT OF AGRICULTURE  
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Dr. David Bromwell  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield IL 62794-9281  
217/782-6657  
Fax: 217/524-7702

G) Related rulemakings and other pertinent information: None

- l) Part(s) (Heading and Code Citation): Motor Fuel Standards Act; 8 Ill. Adm. Code 850

1) Rulemaking:

A) Description: This Part will be amended to delete procedures for charging consumers when motor fuel samples are analyzed to be consistent with changes made to the Act.

B) Statutory Authority: Motor Fuel Standards Act [815 ILCS 370]

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: August 2000

E) Effect on small businesses, small municipalities or not for profit corporations: No adverse impact is anticipated.

F) Agency contact person for information:

Sid Colbrook  
Illinois Department of Agriculture  
State Fairgrounds  
Springfield IL 62794-9281  
217/782-3817  
Fax: 217/524-7801

G) Related rulemakings and other pertinent information: None

- m) Part(s) (Heading and Code Citation): Egg and Egg Products Act; 8 Ill. Adm. Code 65

1) Rulemaking:

A) Description: The United States Department of Agriculture (USDA)

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has issued a prohibition on the repackaging of eggs packed under USDA's voluntary grading program. Amendments will be made relating to the enforcement of the Illinois Egg and Egg Products Act to follow USDA's standards that eggs sold for human consumption cannot be repackaged. The rules will be amended to clarify that the 30 day expiration date should be marked on each carton of eggs.

B) Statutory Authority: Illinois Egg and Egg Products Act [410 ILCS 615]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: August 2000

E) Effect on small businesses, small municipalities or not for profit corporations: Egg packagers and distributors will not be able to regrade and repack older eggs. It is seldom that eggs are repackaged and resold to consumers. This amendment will insure that eggs being sold for human consumption are fresh.

F) Agency contact person for information:

Sid Colbrook  
Illinois Department of Agriculture  
State Fairgrounds  
Springfield IL 62794-9281  
217/782-3817  
Fax: 217/524-7801

G) Related rulemakings and other pertinent information: None

n) Part(s) (Heading and Code Citation): Weights and Measures Act; 8 Ill. Adm. Code 600

1) Rulemaking:

A) Description: The National Type Evaluation Program has been adopted as the standards for new weighing and measuring devices. Procedures need to be implemented to provide device users and installers information regarding the installation or transfer of weighing and measuring devices. Pursuant to the Illinois Weights and Measures Act, the Department collects fees for device inspections. There are some devices such as mass flow meters that do not have an established inspection fee. Amendments to this

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Part will add fees for all devices being inspected by the Department that are not included in the current fee schedule.

B) Statutory Authority: Weights and Measures Act [225 ILCS 470]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: August 2000

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will: (1) give businesses and service personnel direction about the installation and transfer of a weighing or measuring device; and (2) establish fees for businesses to test and certify weighing and measuring devices not currently included in the fee schedule.

F) Agency contact person for information:

Sid Colbrook  
Illinois Department of Agriculture  
State Fairgrounds  
Springfield IL 62794-9281  
217/782-3817  
Fax: 217/524-7801

G) Related rulemakings and other pertinent information: None

o) Part(s) (Heading and Code Citation): Administrative Rules (Formal Administrative Proceedings; Contested Cases; Petitions; Public Disclosure); 8 Ill. Adm. Code 1

1) Rulemaking:

A) Description: The Department's procedural rules will be updated, including adding a provision establishing a fee for any party requesting a copy of an administrative hearing transcript, and reorganized.

B) Statutory Authority: Sections 5-10, 5-145, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-40, 10-50, and 10-60 of the Illinois Administrative Procedure Act [5 ILCS 100/5-10, 5-145, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-40, 10-50, and 10-60] and the Freedom of Information Act [5 ILCS 140]

C) Schedule meeting/hearing date: Written comments may be submitted

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during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: October 2000

E) Effect on small businesses, small municipalities or not for profit corporations: Any party requesting a copy of an administrative hearing transcript will be responsible for the costs associated with the transcription.

F) Agency contact person for information:

Cynthia Ervin  
Illinois Department of Agriculture  
P. O. Box 19281  
Springfield IL 62794-9281  
217/785-4507  
Fax: 217/785-4505

G) Related rulemakings and other pertinent information: None

p) Part(s) (Heading and Code Citation): Freedom of Information Act; 2 Ill. Adm. Code 701

1) Rulemaking:

A) Description: Amendments to this Part will update these rules in accordance with statutory amendments. The fee schedule in Section 701.140 will also be amended and updated.

B) Statutory Authority: Freedom of Information Act [5 ILCS 140]

C) Schedule meeting/hearing date: None

D) Date Agency anticipates First Notice: First Notice publication is not required under this Part.

E) Effect on small businesses, small municipalities or not for profit corporations: There will be an increase in duplication costs for those requesting copies under the FOIA.

F) Agency contact person for information:

Cynthia Ervin  
Illinois Department of Agriculture  
P. O. Box 19281  
Springfield IL 62794-9281

## DEPARTMENT OF AGRICULTURE

## JULY 2000 REGULATORY AGENDA

217/785-4507

Fax: 217/785-4505

G) Related rulemakings and other pertinent information: None

q) Part(s) (Heading and Code Citation): Illinois State Fair, and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds; 8 Ill. Adm. Code 270

1) Rulemaking:

A) Description: New regulations will be developed regarding advertising in State Fair publications [20 ILCS 210/61]. Amendments to "Facility Availability" (Section 270.420) will be amended to facilitate additional rentals to maximize income throughout the non-fair season. A clarification is needed to further explain the Department's policy of allowing last year's lessees to have first right to the same dates in subsequent years in Section 270.380 concerning "Application for Space".

B) Statutory Authority: State Fair Act [20 ILCS 210] and Section 40.14 and Section 16 of the Civil Administrative code of Illinois [20 ILCS 5/16 and 40.14]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: October 2000

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect those wishing to rent space/buildings on the fairgrounds and those advertising in fair publications.

F) Agency contact person for information:

Bud Ford  
Illinois Department of Agriculture  
P. O. Box 19281  
Springfield IL 62794-9281  
217/782-0771  
Fax: 217/782-9115

G) Related rulemakings and other pertinent information: None



## DEPARTMENT OF AGRICULTURE

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- r) Part(s) (Heading and Code Citation): Meat and Poultry Inspection Act; 8 Ill. Adm. Code 125

1) Rulemaking:

- A) Description: Expanding provisions for existing Section 125.141 by requiring all licensed plants, Type I and Type II, to operate and maintain Sanitation SOP at all times.

- B) Statutory Authority: Meat and Poultry Inspection Act [225 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16]

- C) Scheduled meeting/hearing dates: None at this time

- D) Date Agency anticipates First Notice: October 2000

- E) Effect on small businesses, small municipalities or not for profit corporations: All Type I establishments are operating under provisions of Sanitation SOP since October 1, 1997. Currently the recordkeeping requirement is limited to operations conducted under inspection. Due to increase in numbers for operations conducted outside of official hours, but still involving meat and poultry products, becomes necessary to expand existing requirements for providing uniform sanitation procedures. Only 8% of very small businesses (Type II) will be required to adopt these rules. The Department will provide guidance and assistance during implementation process.

- F) Agency contact person for information:

Dr. Kris Mazurczak  
Illinois Department of Agriculture  
State Fairgrounds  
Springfield IL 62794-9281  
217/782-3817  
Fax: 217/524-7801

- G) Related rulemakings and other pertinent information: None

- s) Part(s) (Heading and Code Citation): Illinois Horse Racing Act; 8 Ill. Adm. Code 290

1) Rulemaking:

- A) Description: Establish rules for the new legislation passed regarding the Racing Quarter Horse Breeders Fund Program.

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- B) Statutory Authority: Illinois Horse Racing Act [230 ILCS 5/1]

- C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

- D) Date Agency anticipates First Notice: August 2000

- E) Effect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

James J. Reynolds  
Illinois Department of Agriculture  
State Fairgrounds  
Springfield IL 62794-9281  
217/782-4231  
Fax: 217/524-6194

- G) Related rulemakings and other pertinent information: None

- t) Part(s) (Heading and Code Citation): Illinois Horse Racing Act; 8 Ill. Adm. Code 290

1) Rulemaking:

- A) Description: Revise the administrative code for the Thoroughbred and Standardbred breeds to update it and bring it in line with the recent changes in the Horse Racing Act.

- B) Statutory Authority: Illinois Horse Racing Act [230 ILCS 5/1]

- C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

- D) Date Agency anticipates First Notice: August 2000

- E) Effect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

James J. Reynolds  
Illinois Department of Agriculture  
State Fairgrounds

## DEPARTMENT OF AGRICULTURE

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Springfield IL 62794-9281  
217/782-4231  
Fax: 217/524-6194

G) Related rulemakings and other pertinent information: None

u) Part(s) (Heading and Code Citation): Illinois Fertilizer Law; 8 Ill. Adm. Code 215

1) Rulemaking:

A) Description: The rule changes would adopt many of the national standards for the safe handling of anhydrous ammonia. It would allow the Department to utilize new technology and equipment developed since the last rulemaking.

B) Statutory Authority: The Fertilizer Law [505 ILCS 80]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: September 2000

E) Effect on small businesses, small municipalities or not for profit corporations: No adverse impacts are anticipated

F) Agency contact person for information:

Mark Ringler  
Illinois Department of Agriculture  
P. O. Box 19281  
Springfield IL 62794  
217/785-1082  
Fax: 217/524-7801

G) Related rulemakings and other pertinent information: None

v) Part(s) (Heading and Code Citation): Illinois Seed Law; 8 Ill. Adm. Code 230

1) Rulemaking:

A) Description: The rule changes will allow the Department to offer different tests that are currently available for seed products and allow the establishment of fees for these tests(i.e. T2, seed

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county, etc.). These rules allow for the Department to update its services offered to those groups or individuals wishing to utilize them.

B) Statutory Authority: The Illinois Seed Law [505 ILCS 110]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: August 2000

E) Effect on small businesses, small municipalities or not for profit corporations: No adverse impact is expected.

F) Agency contact person for information:

Mark Ringler  
Illinois Department of Agriculture  
P. O. Box 19281  
Springfield IL 62794-9281  
217/785-1082  
Fax: 217/524-7801

G) Related rulemakings and other pertinent information: None

w) Part(s) (Heading and Code Citation): The Grain Code; 8 Ill. Adm. Code 281

1) Rulemaking:

A) Description: The Department intends to propose rules for the Grain Code as a result of the amendments enacted in SB1070. SB1070 changed the method by which a person registers for the authority to print price later contracts and warehouse receipts.

B) Statutory Authority: 240 ILCS 40/1-1

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: August 2000

E) Effect on small businesses, small municipalities or not for profit corporations: No effect anticipated

F) Agency contact person for information:

## DEPARTMENT OF AGRICULTURE

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Bob Leach  
Illinois Department of Agriculture  
P. O. Box 19281  
Springfield IL 62794-9281  
217/785-8306  
Fax: 217/524-7801

G) Related rulemakings and other pertinent information: None

x) Part(s) (Heading and Code Citation): Illinois State Fair, and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds; 8 Ill. Adm. Code 270

1) Rulemaking:

A) Description: Amendments to "Non-Fair Space Rental, Payment Process, Camping, Facility Availability, Insurance, Concessions, Gambling, Raffles, Prizes, Beverages, Rate Schedules, Contract and General Stabling Rules will be amended to facilitate additional rentals to maximize income throughout the non-fair season. In addition, the amendments will bring the rules in line with new procedures on the Illinois State Fairgrounds.

B) Statutory Authority: State Fair Act [20 ILCS 210]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: August 2000

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect those wishing to rent space/buildings on the fairgrounds.

F) Agency contact person for information:

Jeff Dillman, Non-Fair Events Manager  
Illinois Department of Agriculture  
P. O. Box 19281  
Springfield IL 62794-9281  
217/782-1698  
Fax: 217/557-5729

G) Related rulemakings and other pertinent information: None

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y) Part(s) (Heading and Code Citation): Illinois Value-Added Agriculture Enhancement Program; 8 Ill. Adm. Code 10

1) Rulemaking:

A) Description: Rules will be adopted to implement a grant program for value-added agricultural products.

B) Statutory Authority: Civil Administrative Code of Illinois [20 ILCS 205/40.43(e)]

C) Schedule meeting/hearing date: No hearings have been set to date. However, hearings will be held during the 45-day first-notice period. Written comments may also be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: August 2000

E) Effect on small businesses, small municipalities or not for profit corporations: Small agribusiness should benefit from the grant program for value-added agricultural products.

F) Agency contact person for information:

Cynthia Ervin  
Illinois Department of Agriculture  
P. O. Box 19281  
Springfield IL 62794-9281  
217/785-4507  
217/785-4505 (fax)

G) Related rulemakings and other pertinent information: None



## SECRETARY OF STATE

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- 1) Part(s) (Heading and Code Citation): Illinois State Library, Information Services Division; 23 Ill. Adm. Code 3010

1) Rulemaking:

A) Description of Rule(s): Revision of the rules to reflect needed updates regarding photocopying, circulation of materials, reserves of materials, reference service, and interlibrary loan.

B) Statutory Authority: Implementing and authorized by the State Library Act [15 ILCS 320]. The changes are derived from P. A. 91-0507, which was signed into law on August 13, 1999.

C) Scheduled meeting/hearing dates: A hearing will not be scheduled since the changes are not major in scope. Public comment will be requested through letters, faxes, and electronic mail.

D) Date the agency anticipates First Notice: April 2000

E) Impact on small businesses, small municipalities or not for profit corporations: No direct impact

## F) Agency contact person for information:

Kathleen Bloomberg  
Associate Director of Operations  
Illinois State Library  
300 South Second Street  
Springfield IL 62701-1796  
217-785-0052  
Fax 217-524-0041  
Kbloomb@library.sos.state.il.us

G) Related information: None

- b) Part(s) (Heading and Code Citation): Illinois State Library, Acquisitions Division, Illinois Documents Section; 23 Ill. Adm. Code 3020

1) Rulemaking:

A) Description of Rule(s): Revision of the rules to reflect needed updates regarding the Illinois documents depository program, including access to electronic information.

B) Statutory Authority: Implementing and authorized by the State Library Act [15 ILCS 320]. The changes are derived from P. A. 91-0507, which was signed into law on August 13, 1999.

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- C) Scheduled meeting/hearing dates: A hearing will not be scheduled. Public comment will be requested through letters, faxes, and electronic mail.

D) Date the agency anticipates First Notice: November 2000

E) Impact on small businesses, small municipalities or not for profit corporations: No direct impact

## F) Agency contact person for information:

Kathleen Bloomberg  
Associate Director of Operations  
Illinois State Library  
300 South Second Street  
Springfield IL 62701-1796  
217-785-0052  
Fax 217-524-0041  
kbloom@library.sos.state.il.us

G) Related information: None

- c) Part(s) (Heading and Code Citation): Public Library Construction Grants; 23 Ill. Adm. Code 3060

1) Rulemaking:

A) Description of Rule(s): Revision of the requirement for a fidelity bond in Section 3060.800.

B) Statutory Authority: Implementing Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3] and authorized by Sections 3 and 8 of the Illinois Library System Act [75 ILCS 10/3 and 8].

C) Scheduled meeting/hearing date: A hearing will not be scheduled. Public comment will be requested through letters, faxes, and electronic mail.

D) Date the agency anticipates First Notice: November 2000

E) Impact on small businesses, small municipalities or not for profit corporations: No direct impact

## F) Agency contact person for information:

Kathleen Bloomberg

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## JULY 2000 REGULATORY AGENDA

Associate Director of Operations  
 Illinois State Library  
 300 South Second Street  
 Springfield IL 62701-1796  
 217-785-0052  
 Fax 217-524-0041  
 kbloomb@library.sos.state.il.us

G) Related information: None

d) Part(s) (Heading and Code Citation): Illinois Business Brokers Act of 1995; 14 Ill. Admin. Code 140

2) Rulemaking:

A) Description of Rule(s): Amend and draft rules generally to conform regulations to legislative enactments. Amend rules to allow filings to be with Secretary of State Department of Business Services, Uniform Commercial Code Division.

B) Statutory Authority: Illinois Business Broker Act 815 ILCS 307/10-1

C) Scheduled meeting/hearing dates: None

D) Date the agency anticipates First Notice: Unknown

E) Impact on small businesses, small municipalities or not for profit corporations: Unknown

F) Agency contact person for information:

Tanya Solov, Director  
 IL Securities Department  
 17 North State Street  
 Suite 1100  
 Chicago IL 60602  
 312/793-3384

Vickie Moseley  
 IL Securities Dept.  
 Lincoln Tower, 200  
 520 South Second Street  
 Springfield IL 62701  
 217/782-2256

G) Related rulemaking and other pertinent information: None

e) Part(s) (Heading and Code Citation): Illinois Securities of 1953; 14 Ill. Adm. Code 130

1) Rulemaking:

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A) Description of Rule(s): Amend and draft rules generally to conform regulations to legislative enactments. Update and draft rules to implement North American Securities Administrators Association (NASAA) model rules for regulation of Investment Advisers, Broker-Dealers, the implementation of Investment Advisers, Registration Depository (IARD), and the sale of securities outside traditional securities venues. Amend rules relating to Books and Records required to be maintained by registered parties. Amend the rules for renewal of dealer registration. Amend rules to conform with federal legislative enactments.

B) Statutory Authority: Illinois Securities Law of 1953, 815 ILCS 5/1

C) Scheduled meeting/hearing dates: None

D) Date the agency anticipates First Notice: Unknown

E) Impact on small businesses, small municipalities or not for profit corporations: Unknown

F) Agency contact person for information:

Tanya Solov, Director  
 IL Securities Department  
 17 North State Street  
 Suite 1100  
 Chicago, IL 60602  
 312/793-3384

Vickie Moseley  
 IL Securities Dept.  
 Lincoln Tower, 200  
 520 South Second Street  
 Springfield, IL 62701  
 217/782-2256

G) Related rulemaking and other pertinent information: None

f) Part(s) (Heading and Code Citation): Illinois Business Opportunities Sales Law of 1995; 14 Ill. Admin. Code 135

1) Rulemaking:

A) Description of Rule(s): Amend and draft rules generally to conform regulations to legislative enactments and federal laws and regulations as necessary.

B) Statutory Authority: Illinois Business Opportunities Sales Law of 1995, 815 ILCS 602/5-1

C) Scheduled meeting/hearing dates: None

SECRETARY OF STATE

JULY 2000 REGULATORY AGENDA

- D) DATA AND AGENCY ANTICIPATES FIRST NOTICE UNKNOWN
- E) IMPACT ON SMALL BUSINESSES, SMALL MUNICIPALITIES OR NOT FOR PROFIT ORGANIZATIONS UNKNOWN
- F) AGENCY CONTACT PERSON FOR INFORMATION
- |                                                                                                                                |                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| Wanda Solon, Director<br>Illinois Loan Brokers Association<br>570 South Second Street<br>Springfield, IL 62701<br>217/782-2256 | Vickie Wheeler<br>IL Securities Dept.<br>Lincoln Tower, 500<br>520 South Second Street<br>Springfield, IL 62701<br>217/782-2256 |
|--------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
- G) RELATED RULEMAKING AND OTHER PERTINENT INFORMATION NONE

6) REGULATORY AGENCIES AND CODE CITATIONS ILLINOIS LOAN BROKERS ACT OF 1995:

- A) DESCRIPTION OF RULE(S) Amend and staff rules generally to conform with Act and legislative changes.
- B) SCHEDULED MEETING/HEARING DATES NONE
- C) IMPACT ON SMALL BUSINESSES, SMALL MUNICIPALITIES OR NOT FOR PROFIT ORGANIZATIONS UNKNOWN
- D) DATE THE AGENCY ANTICIPATES FIRST NOTICE UNKNOWN
- E) IMPACT ON SMALL BUSINESSES, SMALL MUNICIPALITIES OR NOT FOR PROFIT ORGANIZATIONS UNKNOWN
- F) AGENCY CONTACT PERSON FOR INFORMATION
- |                                                                                                                                |                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| Wanda Solon, Director<br>Illinois Loan Brokers Association<br>570 South Second Street<br>Springfield, IL 62701<br>217/782-2256 | Vickie Wheeler<br>IL Securities Dept.<br>Lincoln Tower, 500<br>520 South Second Street<br>Springfield, IL 62701<br>217/782-2256 |
|--------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
- G) RELATED RULEMAKING AND OTHER PERTINENT INFORMATION NONE

7) REGULATORY AGENCIES AND CODE CITATIONS

SECRETARY OF STATE

JULY 2000 REGULATORY AGENDA

- A) DESCRIPTION OF RULE(S) Will be amending the above referenced Parts to implement any legislative changes enacted by the General Assembly and passed into law.
- B) STATUTORY AUTHORITY Implementing the Secretary of State's authority to issue driver's licenses and enact legislation affecting Chapter 6 of the Illinois Vehicle Code.
- C) SCHEDULED MEETING/HEARING DATES NONE at this time
- D) DATE THE AGENCY ANTICIPATES FIRST NOTICE August 2000
- E) IMPACT ON SMALL BUSINESSES, SMALL MUNICIPALITIES OR NOT FOR PROFIT CORPORATIONS NONE
- F) AGENCY CONTACT PERSON FOR INFORMATION
- |                                                                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Robert W. Mueller<br>Assistant General Counsel<br>2701 South Dirksen Parkway<br>Springfield, IL 62723<br>217/782-5356 or 217/785-3094<br>217/785-1385 or 217/584-1689 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
- G) RELATED RULEMAKING AND OTHER PERTINENT INFORMATION NONE

1) PARTS (Heading and Code Citation):

Cancellation, Renewal or Suspension of Licenses or Permits; 92 Ill. Adm. Code 1040.32

Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently; 92 Ill. Adm. Code 1040.42

Fleeing and Blinding; 92 Ill. Adm. Code 1040.60

Release of Information Regarding a Disposition of Court Supervision

1) Rulemaking:

- A) Description of Rule(s) Will be amending the above referenced Parts to implement any legislative changes enacted by the General



## SECRETARY OF STATE

## JULY 2000 REGULATORY AGENDA

Assembly and passed into law.

B) Statutory Authority: Implementing the Secretary of State's authority to issue drivers' licenses and enact legislation affecting Chapters 6 and 11 of the Illinois Vehicle Code.

C) Scheduled meeting/hearing dates: None at this time

D) Date the agency anticipates First Notice: August 2000

E) Impact on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Robert W. Mueller  
Assistant General Counsel  
2701 South Dirksen Parkway  
Springfield IL 62723  
217/782-5356 or 217/785-3094  
217/785-1385 or 217/584-1689

G) Related Information: None

j) Part(s) (Heading and Code Citation):

Cancellation, Renovation or Suspension of Licenses or Permits; 92 Ill. Adm. Code 1002.20  
Definitions; 92 Ill. Adm. Code 1002.70

1) Rulemaking:

A) Description of Rule(s): Will be amending the above referenced Parts to delete the definition regarding the DUI listing since it no longer exists.

B) Statutory Authority: Implementing the Secretary of State's authority to issue driver's licenses and enact legislation affecting Chapters 6 and 11 of the Illinois Vehicle Code.

C) Scheduled meeting/hearing dates: None at this time

D) Date the agency anticipates First Notice: September 2000

E) Impact on small businesses, small municipalities or not for profit corporations: None

## SECRETARY OF STATE

## JULY 2000 REGULATORY AGENDA

F) Agency contact person for information:

Robert W. Mueller  
Assistant General Counsel  
2701 South Dirksen Parkway  
Springfield IL 62723  
217/782-5356 or 217/785-3094  
217/785-1385 or 217/584-1689

G) Related Information: None

k) Part(s) (Heading and Code Citation): Cancellation, Renovation or Suspension of Licenses; 92 Ill. Adm. Code 1040.20

1) Rulemaking:

A) Description of Rule(s): Will be amending the above referenced Part to incorporate recently enacted legislation.

B) Statutory Authority: Implementing the Secretary of State's authority to issue driver's licenses and enact legislation affecting Chapters 6 and 11 of the Illinois Vehicle Code.

C) Scheduled meeting/hearing dates: None at this time

D) Date the agency anticipates First Notice: December 2000

E) Impact on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Robert W. Mueller  
Assistant General Counsel  
2701 South Dirksen Parkway  
Springfield IL 62723  
217/782-5356 or 217/785-3094  
217/785-1385 or 217/584-1689

G) Related Information: None

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## JULY 2000 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Arthur F. Quern Information Technology Grant Program; 23 Ill. Adm. Code 2740

1) Rulemaking:

A) Description: The proposed rulemaking will establish the initial applicant eligibility requirements, program procedures and institutional procedures for the new Arthur F. Quern Information Technology Grant Program created by Public Act 91-0711, effective July 1, 2000.

B) Statutory Authority: Implementing Section 65.57 of the Higher Education Student Assistance Act [110 ILCS 947/65.57] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: September, 2000. The agency is in the process of developing the necessary forms, systems, procedures, etc. to support the program, and the rules will be dependent on the completion of some of these preliminary tasks.

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

Mr. Thomas A. Breyer  
Deputy Program Officer  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, Illinois 60015-5209  
847/948-8500

G) Related rulemakings and other pertinent information: None

## SECOND NOTICES RECEIVED

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

The following second notices were received by the Joint Committee on Administrative Rules during the period of July 18, 2000 through July 24, 2000 and have been scheduled for review by the Committee at its August 15, 2000 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
9/2/00	State Board of Elections, New Political Party Nominating Petitions (26 Ill. Adm. Code 202)	10/8/99 23 Ill Reg 12016	8/15/00
9/2/00	State Board of Elections, Established Political Party and Independent Candidate Nominating Petitions (26 Ill. Adm. Code 201)	10/8/99 23 Ill Reg 12013	8/15/00
9/2/00	State Board of Elections, Practice and Procedure (26 Ill Adm Code 125)	10/22/99 23 Ill Reg 12913	8/15/00
9/2/00	State Board of Elections, The Campaign Financing Act (26 Ill Adm Code 100)	10/22/99 23 Ill Reg 12924	8/15/00
9/2/00	Pollution Control Board, Nonhazardous Special Waste Hauling and the Uniform Program (35 Ill Adm Code 809)	4/7/00 24 Ill Reg 5854	8/15/00
9/6/00	Department of Professional Regulation, The Professional Engineering Practice Act of 1989 (68 Ill Adm Code 1380)	4/21/00 24 Ill Reg 6508	8/15/00
9/6/00	Department of Professional Regulation, The Structural Engineering Practice Act of 1989 (68 Ill Adm Code 1480)	4/21/00 24 Ill Reg 6515	8/15/00
9/6/00	Department of Professional Regulation, Illinois Architecture Practice Act of 1989 (68 Ill Adm Code 1150)	4/21/00 24 Ill Reg 6479	8/15/00

SECOND NOTICES RECEIVED  
JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

9/6/00	Department of Professional Regulation, Illinois Professional Land Surveyor Act of 1989 (68 Ill. Adm. Code 1270)	4/21/00 24 Ill. Reg 6500	8/15/00
9/6/00	Department of Labor, Health and Safety (56 Ill. Adm. Code 350)	5/19/00 24 Ill. Reg 7459	8/15/00

## PROCLAMATION

2000-347

## WOMEN'S BUSINESS DEVELOPMENT DAY

WHEREAS, the Women's Business Development Center (WBDC) was founded in 1986 by Carol Dougal and Hedy Ratner, and since then more than 30,000 women business owners have used its programs and services: one-on-one counseling; workshops; entrepreneurial training; the Women's Business Finance Program; the Women's Business certification program; Youthbiz; and Child Care Initiatives; and

WHEREAS, WBDC is a nationally recognized nonprofit women's business assistance organization devoted to providing services and programs that support and accelerate women's business ownership and strengthen the impact of women on the economy; and

WHEREAS, there are now more than 9 million women-owned businesses in the U.S., employing more than 27.5 million workers with more than 350,000 of those businesses in Illinois. Minority-owned businesses are growing faster than all firms, and 1 in 8 women-owned firms in the U.S. is owned by a woman of color. Women-owned businesses nationally generate more than \$3 trillion in sales, an increase of 161 percent from 1987; and

WHEREAS, the WBDC has, in response, put forth creative and innovative approaches to empowering women and their families, striving to influence the larger political and economic environment in a way that encourages and supports women's economic empowerment; and

WHEREAS, the Women's Business Development Center will hold its 14th Annual Entrepreneurial Women's Conference on September 7, 2000, at Chicago's Navy Pier; and

WHEREAS, this conference marks the continuation of the second decade of the WBDC's commitment to the demands of women entrepreneurs for greater opportunities in business ownership and development;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 7, 2000, as *WOMEN'S BUSINESS DEVELOPMENT DAY* in Illinois.

Issued by the Governor July 6, 2000.

Filed by the Secretary of State July 18, 2000.

2000-348

## DONA DELIA ZAPATA OLIVELLA DAY

WHEREAS, Dona Delia Zapata Olivella has been one of the most important Colombian music and folklore researchers, historians and performers for the last 55 years; and

WHEREAS, Dona Delia Zapata Olivella has traveled throughout the world showcasing Colombian folk music dances for more than half a century, in many occasions on her own efforts and initiative, presenting the diverse music and dancing heritage of Colombia; and

WHEREAS, the Colombian people have honored Dona Delia Zapata Olivella for her tireless efforts to promote Colombia folklore as one of the many cultural facets of her country; and

WHEREAS, Dona Delia Zapata Olivella's Folk Dances will debut for the first time in Chicago, making this a historic event for the city and its Colombian community;



## PROCLAMATION

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 19, 2000, as *DONA DELIA ZAPATA OLIVELLA DAY* in Illinois.

Issued by the Governor July 11, 2000.

Filed by the Secretary of State July 18, 2000.

## 2000-349

## PERU DAY

WHEREAS, the Peruvian community celebrates July 28 in recognition of the Proclamation of Independence by Don Jose de San Martin, an important event in their culmination for independence; and

WHEREAS, it is further recognition as the Day of Independence of the Country of Peru and the holiday of Peruvian nationals throughout the world;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 28, 2000, as *PERU DAY* in Illinois in recognition of Peruvians and Peruvian-Americans who make significant contributions to the strength, diversity, and prosperity of Illinois and as friendly relations exist between Peru and Illinois.

Issued by the Governor July 11, 2000.

Filed by the Secretary of State July 18, 2000.

## 2000-350

## RIVERS 2000 CELEBRATION DAYS

WHEREAS, the Prairie Rivers Network is spreading Illinois' participation in "Rivers 2000," a nation-wide effort to educate the public on the values of rivers; and

WHEREAS, Rivers 2000 stresses that forests, croplands, wetlands, and riparian areas are the building blocks of watersheds, and that public and private stewardship of these natural resources is the first step toward clean water and pollution prevention; and

WHEREAS, proper stewardship of this resource is necessary to ensure the continued natural, social, and economic health of Illinois; and

WHEREAS, public awareness and appreciation for rivers have contributed significantly to their protection and should be encouraged; and

WHEREAS, Illinois is looking forward to a future where healthy rivers support naturally functioning ecosystems, are safe for human consumption and recreation, contribute to sustainable local economies, and improve the quality of life for all Illinoisans;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 7-11, 2000, as *RIVERS 2000 CELEBRATION DAYS* in Illinois.

Issued by the Governor July 11, 2000.

Filed by the Secretary of State July 18, 2000.

## 2000-351

## CAREER AND TECHNICAL ORGANIZATIONS WEEK

WHEREAS, the proper education of today's youth is a concern of all Americans; and

WHEREAS, career and technical student organizations are dedicated to the

## PROCLAMATION

advancement of proper education, training and development of America's youth; and

WHEREAS, for more than 22 years, organizations such as the Illinois Coordinating Council for Career and Technical Student Organizations (ICCCTSO) have advanced the awareness of the importance of career and technical organizations as an integral part of the educational curriculum; and

WHEREAS, career and technical student organizations in Illinois include the Business Professionals of America, Future Business Leaders of America (FBLA), Illinois Association of Family, Career and Community Leaders of America (FCCCLA), Health Occupations Students of America (HOSA), Illinois Association of FFA (FFA), Illinois Association of DECA (DECA), Illinois Postsecondary Agriculture Student Organization (PAS), Phi Beta Lambda, (PBL), Illinois Association of SkillsUSA-VICA (SkillsUSA-VICA), and Technology Student Association (TSA);

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim October 1-7, 2000, *CAREER AND TECHNICAL ORGANIZATIONS WEEK* in Illinois.

Issued by the Governor July 12, 2000.

Filed by the Secretary of State July 18, 2000.

## 2000-352

## GYMNASTICS DAY

WHEREAS, USA Gymnastics is celebrating National Gymnastics Day on August 12, 2000, to help bring attention to the positive physical fitness gymnastics fosters; and

WHEREAS, National Gymnastics Day exists to acknowledge the ast and present champions from the United States; and

WHEREAS, the State of Illinois will be represented by individuals and gymnastics clubs at the U.S. Gymnastics Championships in St. Louis, July 25-29; and

WHEREAS, gymnastics helps develop coordination, flexibility and strength and is a way to increase young people's self-esteem and confidence -- qualities that benefit them throughout their lives; and

WHEREAS, gymnastics provides a strong foundation for fitness and helps develop skills that enhance performance in other sports, and is a fun way to keep fit; and

WHEREAS, collectively, our nation strives to encourage greatness and achievement in our young people, helping them all to become champions in life; and

WHEREAS, thousands of gymnastics clubs across the United States give people of all ages and abilities an exciting way to participate in sports; and

WHEREAS, USA Gymnastics is partnering with local clubs in Illinois and across the nation during National Gymnastics Day to support gymnastics in local communities;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 12, 2000, as *GYMNASTICS DAY* in Illinois.

Issued by the Governor July 12, 2000.

Filed by the Secretary of State July 18, 2000.

Rules acted upon during the calendar quarter from Issue 30 through Issue 42 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or [jnatale@ccgate.sos.state.il.us](mailto:jnatale@ccgate.sos.state.il.us) on the Internet.

**PROPOSED**

8-50-32 86-440-50  
8-85-32 86-450-50

**PEREMP-  
TORY**

80-310-30

8-105-32

8-110-32

8-115-32

11-510-31

35-211-32

35-217-32

50-928-30

50-2008-30

50-3401-30

77-205-32

77-245-32

80-1540-31

83-410R-31

83-410-31

86-100-31,32

86-130-31,32

86-220-32

86-270-31

86-320-31

86-370-31

86-395-31

86-396-31

86-440-30

86-450-30

86-480-31

86-500-31

86-630-31

86-670-31

86-693-31

86-694-31

89-10-32

89-116-32

89-140-32

89-148-31

89-353-31

**ADOPTED**

2-1125-32

35-307-32

35-310-32

44-1000-32

44-1200-30

59-350-31

68-1400-32

77-820-31

86-100-30

86-130-30

86-150-30

89-113-32

**EMERGENCY**

86-130-31





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